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UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

REALTEK SEMICONDUCTOR CORP.,

Plaintiff,

vs.

MEDIATEK INC., IPVALUE MANAGEMENT INC., and FUTURE LINK SYSTEMS, LLC,

Defendants.

Case No. 5:23-CV-02774-PCP

PLAINTIFF'S OPPOSITION TO DEFENDANTS' ADMINISTRATIVE MOTION FOR LEAVE TO FILE AN ADDITIONAL MOTION FOR SUMMARY JUDGMENT

Judge: Honorable P. Casey Pitts

INTRODUCTION

Plaintiff Realtek Semiconductor Corp. ("Realtek") respectfully submits this Opposition to Defendants, MediaTek, Inc. ("MediaTek"), Future Link Systems, LLC ("FLS") and IPValue Management Inc.'s Administrative Motion For Leave to File an Additional Motion For Summary Judgment (ECF No. 269). Defendants' request for an extra summary judgment motion at the outset of discovery should be denied for the four reasons set forth below. Each of these is a sufficient basis for denial and collectively they compel that result.

First, this Court has already determined that Realtek's antitrust claims are fact-intensive and must be resolved on a full evidentiary record, and it previously denied Defendants' request to reconsider this same issue and its prior motion to dismiss ruling. *See* Mar. 18 Order (ECF No. 221). Defendants' rehashing of their earlier arguments amounts to an improper second request for reconsideration and continues their pattern of trying to hide the facts of their conduct.

Second, contrary to Defendants' representations, their motion finds ***no*** support in a recent Federal Circuit decision (attached here as Exhibit A). The Federal Circuit held that Realtek was a *prevailing* party in FLS's patent infringement suits and remanded for the Western District of Texas ("Texas district court") to determine whether FLS's patent litigation—which followed an anticompetitive agreement between FLS and Mediatek—was so "exceptional" as to warrant fee-shifting under 35 U.S.C. § 285 and Federal Rule 54(d)(1). Ex. A at 8-9.

Third, Defendants' collateral estoppel arguments fail because Defendants cannot show that another court has already adjudicated the same claims pending against Defendants in this action based on the same record. As this Court recognized in denying Defendants' motion to dismiss, the Texas district court (and by extension the Federal Circuit) lacked key facts relevant to Realtek's claims here. Those facts include the contents of a patent licensing agreement that FLS misdescribed to the Texas district court, thereby obscuring the role that FLS's anticompetitive agreement with Mediatek played in the commencement of FLS's patent litigation against Realtek.

Fourth, as Defendants acknowledge, their proposed early (and "additional") summary judgment motion covers only some of the claims in this case. Their motion thus invites the inefficient piecemeal litigation that this Court's one-summary judgment rule is intended to avoid.

ARGUMENT

1. This Court previously held that Realtek's fact-intensive antitrust claims must be resolved on a full evidentiary record and denied Defendants' motion for reconsideration of that ruling. *See* Mar. 18 Order. At the time, the Court was well aware of the Western District of Texas litigations and rulings.[1] *See, e.g.*, Mar. 7 Order (ECF No. 217) at 16. Defendants' Administrative Motion thus amounts to a further request for reconsideration—essentially, a third bite at the same apple—and Defendants have not met the heavy legal burden to obtain that relief. "[A] motion for reconsideration should not be granted, absent highly unusual circumstances." *Kona Enters., Inc. v. Est. of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000) (citation omitted). Defendants have not and cannot show such circumstances here.

2. Defendants' arguments misrepresent the import of a recent Federal Circuit decision addressing FLS's patent suits against Realtek. The Federal Circuit held that Realtek was the prevailing party in those suits because the Texas district court "*awarded sanctions*" when it "converted [FLS's] voluntary dismissal" of the suits "to a dismissal with prejudice." Ex. A at 8 (emphasis added). The Federal Circuit also "remand[ed] for the district court to consider whether" FLS's suits were so "exceptional" that an award of post-judgment costs and fees would be "appropriate" under 35 U.S.C. § 285, and to explain any departure from the presumption that a prevailing party will be awarded fees under Federal Rule 54(d)(1). *Id.* at 8-9.

Contrary to Defendants' representations, nothing in the Federal Circuit decision undercuts Realtek's position that FLS misled the Texas district court about a key license agreement and obscured the role that FLS's anticompetitive agreement with Mediatek played in FLS's suits against Realtek. FLS led the Texas district court to believe that ARM Holdings, an upstream supplier of Realtek's, paid to license the FLS patents at issue in the patent litigation. Am. Compl. (ECF No. 169) ¶¶ 24-25. In reality, the agreement licensed *more than 300 patents* to an entirely different party, RPX. *Id*. FLS never disclosed the license's breadth or the specific contents of the

[1] This Court was similarly aware of the initial ruling of the International Trade Commission ("ITC") at the time that it decided Defendants' motions to dismiss. Mar. 7 Order (ECF No. 217) at 17. Defendants' arguments regarding the ITC appeal are thus equally perplexing.

agreement to the Texas district court, *id.* ¶ 22, and the Federal Circuit was equally in the dark about these facts.

Significantly, this Court is still not in a position to say "[w]hether the outcome of the [Rule 11] sanctions motion would have been different if the Western District of Texas court had reviewed the RPX agreement." Mar. 7 Order at 16-17. As this Court recognized, "the Western District of Texas court premised its decision in part on the existence of the RPX agreement, ***which was never disclosed to that court***." *Id.* at 16 (emphasis added). The Federal Circuit likewise was not privy to the contents of the RPX agreement when, in evaluating the Texas district court's exercise of discretion, it noted the district court's view that "another entity's non-frivolous settlement payment shows that another serious party believed the [patent] case to be non-frivolous." Ex. A at 12 (citation omitted) (alterations adopted).

The details surrounding the RPX agreement, FLS's dismissal of the patent suit, and other aspects of Defendants' conduct—including "whether defendants were aware of the alleged invalidity of the . . . patent [at issue in Texas] or Realtek's non-infringement of that patent"—are among the fact-intensive "matters" here that "must be addressed in subsequent proceedings involving *an evidentiary record*." Mar. 7 Order at 17 (emphasis added). Mediatek has admitted as much in acknowledging that the Court largely denied Defendants' motion to dismiss "because the record was not developed enough."[2] Joint Case Management Statement (ECF No. 236) at 3.

Added to all of this, the Rule 11 inquiry that the Federal Circuit undertook is fundamentally different from the *Noerr-Pennington* inquiry before this Court. The Ninth Circuit has made clear that when evaluating a complaint under Rule 11, the question of whether the complaint is "baseless" is separate and distinct from whether counsel conducted "a reasonable and competent inquiry." *Christian v. Mattel, Inc.*, 286 F.3d 1118, 1127 (9th Cir. 2002). Thus, "for the purpose of

[2] "The basic philosophy underlying discovery is that claims should be litigated based on a complete record of the underlying facts." *In re Facebook, Inc. Consumer Priv. User Profile Litig.*, 655 F. Supp. 3d 899, 906 (N.D. Cal. 2023). It is well-settled that an antitrust plaintiff's claim should be looked at based on all of the evidence, *see, e.g.*, *Cont'l Ore Co. v. Union Carbide & Carbon Corp.*, 370 U.S. 690, 698-99 (1962), and the Ninth Circuit has repeatedly reversed dismissals that were entered before a fact-intensive antitrust case could be decided on a full record, *see, e.g.*, *CoStar Grp., Inc. v. Com. Real Est. Exch., Inc.*, --- F.4th ---, No. 23-55662, 2025 WL 2573045, at *12 (9th Cir. Sept. 5, 2025).

establishing the 'sham' exception to Noerr-Pennington immunity," an "earlier finding of 'a reasonable and competent inquiry'" under Rule 11 "does not preclude the issue of whether [a suit] was 'objectively baseless in a sense that no reasonable litigant could realistically expect success on the merits.'" *Magnetar Techs. Corp. v. Intamin, Ltd.*, No. CV 07-1052, 2008 WL 11338443, at *6 (C.D. Cal. Feb. 11, 2008). "[N]on-frivolousness for the purpose of Rule 11 sanctions" simply "requires a different finding from what is required to establish 'objectively baseless' litigation for the purpose of the 'sham' exception of Noerr-Pennington." *Id.* at *5.

Discovery is therefore necessary for this Court's *Noerr-Pennington* inquiry too. "The Ninth Circuit has held that '[w]hether something is a genuine effort to influence governmental action, or a mere sham, is a question of *fact*.'" *Hundred Acre Wine Grp. Inc. v. Lerner*, No. 22-CV-07305-RFL, 2024 WL 1090625, at *4 (N.D. Cal. Feb. 2, 2024) (emphasis added) (quoting *Clipper Exxpress v. Rocky Mountain Motor Tariff Bureau, Inc.*, 690 F.2d 1240, 1253 (9th Cir. 1982)). Defendants, however, persist in seeking to cut off the factual development needed to answer whether the "sham" exception of *Noerr-Pennington* applies. They are now trying yet again.

3. Defendants are likewise incorrect in their argument that collateral estoppel will compel a finding of summary judgment in their favor. "Collateral estoppel does not bar issues that were not previously adjudicated." *Beddingfield v. United Parcel Serv., Inc.*, No. 23-CV-05896, 2024 WL 1521238, at *3 (N.D. Cal. Apr. 8, 2024). And as discussed above, the Western District of Texas never saw the contents of the RPX Agreement; all it had was FLS's misdescription of the agreement. Thus, the contents of the RPX agreement and the import of that content clearly were not "litigated on the merits" and therefore are "not subject to collateral estoppel." *Granite Rock Co. v. Int'l Bhd. of Teamsters*, 649 F.3d 1067, 1070 (9th Cir. 2011). Other key facts at issue in this case that similarly were not before either the Texas district court or the Federal Circuit include conduct by Mediatek that was outside the scope of the patent litigation and FLS's subsequent cancellation of some of its patents through inter partes reviews.

Defendants' earlier misrepresentations regarding the RPX agreement also would make it "unfair to apply offensive estoppel." *Parklane Hosiery Co. v. Shore*, 439 U.S. 322, 330-31 & n.15 (1979). "Granting collateral estoppel would be inappropriate . . . where a party, without fault of its

own, was deprived of crucial evidence in the prior action." *Selectron, Inc. v. Am. Tel. & Tel. Co.*, 587 F. Supp. 856, 863 (D. Or. 1984). Such is the case here, where Realtek could not test FLS's assertions regarding the RPX agreement because FLS would not provide Realtek or the Western District of Texas with a copy of the agreement.

4. Finally, Defendants' Administrative Motion seeks inefficient piecemeal litigation. Tellingly, even though the Federal Circuit appeals were pending when the parties submitted their Joint Case Management Statement, Defendants did not propose an opportunity to file an early and extra motion for summary judgment following the outcome of the Federal Circuit appeals. *See* Joint Case Management Statement. That was proper for a fact-intensive dispute because such "piecemeal motions increase 'the ability of litigants to harass opponents and to clog the courts through a succession of costly and time-consuming' motions." *APL Co. PTE. v. Valley Forge Ins. Co.*, No. C-09-5641, 2011 WL 5101708, at *2 (N.D. Cal. Feb. 24, 2011) (quoting *Flanagan v. United States*, 465 U.S. 259, 263-64 (1984)). Here, allowing a premature and additional summary judgment motion would be inefficient for multiple reasons, including that Realtek's remaining claims would require discovery similar to the claims Defendants seek to move against and that Realtek would need to seek additional discovery into "facts essential to justify its opposition." Fed. R. Civ. P. 56(d).

Defendants' request should be denied. But if the Court allows Defendants to file an early summary judgment motion, Realtek requests that this be their only summary judgment motion because they lack good cause for deviating from the Court's Standing Order.

CONCLUSION

The Court should deny Defendants' Administrative Motion For Leave to File an Additional Motion For Summary Judgment. A proposed order denying the motion is attached.

Dated: September 22, 2025

Respectfully submitted,

By: */s/ Eric S. Hochstadt*

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