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24 UNITED STATES DISTRICT COURT  
25 NORTHERN DISTRICT OF CALIFORNIA  
26 SAN JOSE DIVISION

27 REALTEK SEMICONDUCTOR CORP.,  
28 Plaintiff,

v.

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

Defendants.

Case No. 5:23-cv-02774-PCP-SVK

**DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT**

Judge: Hon. P. Casey Pitts

**TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

PLEASE TAKE NOTICE THAT on Thursday, December 4, 2025 at 10:00 a.m., or as soon as the matter may be heard, before the Honorable P. Casey Pitts of the United States District Court, Northern District of California at Courtroom 8 – 4th Floor, 280 South 1st Street, San Jose, California, Defendants MediaTek Inc.; IPValue Management, Inc.; and Future Link Systems, LLC (“Defendants”) will and hereby do move this Court for summary judgment, pursuant to this Court’s order granting leave to file a summary judgment motion to address the preclusive effects of two recent Federal Circuit opinions. Dkt. 273. Defendants’ motion is based upon this notice of motion, the supporting memorandum of points and authorities, the concurrently filed Declaration of Adam B. Wolfson, Exhibits A–W attached thereto, and any such evidence or argument as may be requested or permitted by the Court.

Dated: October 23, 2025

By: /s/ Adam B. Wolfson

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Exhibit	Description
A	First Amended Complaint, <i>Future Link Systems, LLC v. Realtek Semiconductor Corp.</i> , No. 21-cv-363 (W.D. Tex. July 15, 2021) (“FLS 1”)
B	Realtek Semiconductor Corp.’s Motion for Sanctions Under Fed. R. Civ. P. 11 dated Oct. 26, 2021 (FLS 1)
C	Sealed Omnibus Order and Memorandum Opinion dated Sept. 12, 2022 (joint FLS 1 and FLS 2)
D	Realtek Semiconductor Corp.’s Motion for Reconsideration of Order Denying Motion for Attorneys’ Fees and Costs dated Oct. 11, 2022 (FLS 1)
E	Complaint, <i>Future Link Systems, LLC v. Realtek Semiconductor Corp.</i> , No. 21-cv-1353 (W.D. Tex. Dec. 22, 2021) (“FLS 2”)
F	Realtek Semiconductor Corp.’s Motion for Attorneys’ Fees dated April 18, 2022 (FLS 2)
G	Letter from Future Link Systems, LLC to International Trade Commission enclosing Complaint <i>In the Matter of Certain Integrated Circuit Products and Devices Containing the Same</i> (No. 337-TA-1295) dated Dec. 29, 2021 (“ITC Action”)
H	Exhibit 28 to ITC Action Complaint (’439 patent infringement claim chart)
I	Exhibit 40 to ITC Action Complaint (’614 patent infringement claim chart)
J	Exhibit 2 to FLS 2 Complaint (’439 patent infringement claim chart)
K	Exhibit 4 to FLS 2 Complaint (’614 patent infringement claim chart)
L	Order No. 11: Denying Respondent Realtek Semiconductor Corp.’s Motion for Sanctions dated April 12, 2022 (ITC Action)
M	<i>Future Link Systems, LLC v. Realtek Semiconductor Corp.</i> , 2025 WL 2599581 (Fed. Cir. Sept. 9, 2025)
N	<i>Realtek Semiconductor Corp. v. Int’l Trade Comm’n</i> , 140 F.4th 1375 (Fed. Cir. June 18, 2025)
O	Corrected Opening Brief for Defendant-Appellant Realtek Semiconductor Corp. dated Feb. 12, 2024 ( <i>Future Link Systems, LLC v. Realtek Semiconductor Corp.</i> , Fed. Cir. Appeal Nos. 23-1056, 23-1057)
P	Realtek Semiconductor Corp.’s Reply in Support of its Motion for Attorneys’ Fees and Costs dated May 9, 2022 (FLS 1)
Q	Future Link System’s Opposition to Defendant’s Motion for Attorneys’ Fees and Costs dated May 2, 2022 (FLS 1)
R	Future Link System’s Opposition to Defendant’s Motion for Attorneys’ Fees dated May 2, 2022 (FLS 2)

S	Decision Granting Institution of <i>Inter Partes</i> Review dated January 7, 2022 ( <i>Realtek Semiconductor Corp., v. Future Link Systems, LLC</i> , Patent and Trademark Office, Patent Trial and Appeal Board, IPR2021-01182)
T	Patent Owner's Response dated May 2, 2022 ( <i>Realtek Semiconductor Corp., v. Future Link Systems, LLC</i> , Patent and Trademark Office, Patent Trial and Appeal Board, IPR2021-01182)
U	Patent Owner's Sur-Reply dated Sept. 6, 2022 ( <i>Realtek Semiconductor Corp., v. Future Link Systems, LLC</i> , Patent and Trademark Office, Patent Trial and Appeal Board, IPR2021-01182)
V	Decision Denying Institution of <i>Inter Partes</i> Review dated Sept. 14, 2022 ( <i>Realtek Semiconductor Corp., v. Future Link Systems, LLC</i> , Patent and Trademark Office, Patent Trial and Appeal Board, IPR2022-00688)
W	Patent Owner's Preliminary Response dated Sept. 22, 2022 ( <i>Realtek Semiconductor Corp., v. Future Link Systems, LLC</i> , Patent and Trademark Office, Patent Trial and Appeal Board, IPR2022-01071)

## INTRODUCTION

The gravamen of Realtek’s case is that the two patent infringement lawsuits filed in the Western District of Texas by Future Link against Realtek were sham litigations, allegedly rendering them independently actionable along with any statements about them. No matter the specific theory of which act harmed Realtek (the litigations or the statements about them), Realtek must show that each of those cases was objectively baseless in order for its liability theories to survive. Although the Court found Realtek plausibly alleged baselessness under the deferential motion to dismiss standard, subsequent binding developments make clear that Realtek’s sham theory cannot proceed. The Texas Court held that neither of Future Link’s two patent cases (FLS 1 and FLS 2) was objectively baseless, and the Federal Circuit has affirmed the Texas Court’s judgment. Moreover, a final order from an ITC ALJ examined allegations identical to those in the second Texas complaint and also concluded that the allegations were not objectively baseless. Because other courts have already considered and conclusively rejected the same objective baselessness claims that Realtek makes here, the doctrine of collateral estoppel precludes Realtek from relitigating those final, binding decisions again—indeed, the doctrine’s entire purpose is to prevent such inefficient and repetitive litigation. Summary judgment should be entered dismissing all of Realtek’s claims that depend on its estopped objective baselessness arguments (Counts II, III, V, VI, VII, VIII, and IX).

## BACKGROUND

### A. The Texas Court Held That FLS 1 Was Not Objectively Baseless

Future Link sued Realtek in the Western District of Texas, asserting infringement of the U.S. Patent No. 7,917,680 (“FLS 1”). Ex. A. In November 2021, Realtek filed a motion for sanctions under Rule 11, extensively arguing that a reasonable pre-suit investigation would have revealed that “the entire [FLS 1] suit is ‘objectively baseless.’” Ex. B at 8–20. The Texas Court rejected Realtek’s motion, finding that the allegations in FLS 1 were “plausible and *not objectively unreasonable infringement allegations*.” Ex. C at 17 (emphasis added); *see also id.* at 12 (“FLS did not choose to file a frivolous case”). Realtek acknowledged the Texas Court’s holding in a reconsideration motion. Ex. D at 7 (conceding the holding, but arguing it was irrelevant).



1           **B. The Texas Court Held That FLS 2 Was “Not Objectively Unreasonable”**

2           Future Link filed a second complaint against Realtek in the Western District of Texas,  
3 asserting infringement of U.S. Patents Nos. 8,099,614 and 7,685,439 (“FLS 2”). Ex. E. In April  
4 2022, Realtek sought attorneys’ fees under 28 U.S.C. § 1927 and the Court’s inherent power,  
5 arguing, *inter alia*, that Future Link asserted “baseless patent infringement claims.” Ex. F at 2; *see*  
6 *also id.* at 4 (“FLS also asserted meritless claims in this litigation”). The Texas Court denied  
7 Realtek’s motion, holding that Future Link had asserted “plausible and not objectively unreasonable  
8 infringement allegations” that were *not* “meritless.” Ex. C at 16–18 (noting that the reasoning for  
9 denying Realtek’s motion was the same as in FLS 1).

10           **C. The ITC Held That Allegations Identical To FLS 2 Had Sufficient Evidence**

11           Shortly after filing FLS 2, Future Link separately filed a complaint against Realtek in the  
12 International Trade Commission (“ITC Action”), relying on the same allegations and claim charts  
13 as in FLS 2. Ex. G. *Compare* Exs. H, I (claims charts from ITC Action) *with* Exs. J, K (identical  
14 claim charts from FLS 2). Realtek sought sanctions, arguing that the ITC complaint was objectively  
15 baseless, but the ALJ rejected Realtek’s argument, noting the “Commission reviewed Future Link’s  
16 proposed Complaint and supporting materials, and found them sufficient to initiate the  
17 investigation.” Ex. L at 1. The ALJ ruled that “it is not clear that the Complaint is defective at all or  
18 that Future Link violated any pre-filing investigative duties,” and that “the claim charts at issue  
19 appear to be adequate to the circumstances,” holding that “Realtek’s assertions of ‘no evidentiary  
20 support’ are exaggerated.” *Id.* at 2. The full Commission declined to review the ALJ’s Order.

21           **D. The Federal Circuit Opinions**

22           Realtek sought Federal Circuit review of the Texas Court’s holdings and the ITC Order. The  
23 Federal Circuit affirmed the Texas Court’s holdings that FLS 1 and 2 were objectively reasonable.  
24 With respect to FLS 1, the Circuit found that “the district court did not abuse its discretion in  
25 concluding that *Future Link’s claim of infringement was supported by a sufficient factual basis.*”  
26 Ex. M at \*4–5 (citing Future Link’s claim charts, extensive cited evidence, and study of exemplar  
27 accused products) (emphasis added). With respect to FLS 2, the Federal Circuit upheld the Texas  
28

1 Court’s finding that the litigation was not “meritless.” *Id.* at \*12. In a separate appeal, the Circuit  
 2 rejected Realtek’s appeal of the ITC ruling on jurisdictional grounds. Ex. N at 1379–81.

3 **E. The Patents Were Licensed for a Substantial Sum by Realtek’s Supplier**

4 FLS 1, FLS 2, and the ITC Action were dismissed pursuant to a settlement and license  
 5 agreement whereby Realtek’s supplier of the accused products received a license to the ’680, ’614,  
 6 and ’439 patents (and others) for a substantial sum. *See* Dkt. 140-15.

7 **LEGAL STANDARD**

8 Summary judgment is proper where “the pleadings and discovery, read in the light most  
 9 favorable to the nonmoving party, demonstrate that there is no genuine issue as to any material fact,”  
 10 and the “moving party is entitled to judgment as a matter of law.” *20th Century Ins. Co. v. Liberty*  
 11 *Mut. Ins. Co.*, 965 F.2d 747, 750 (9th Cir. 1992). Collateral estoppel, also referred to as issue  
 12 preclusion, bars the relitigation of issues where (1) the same issue was at stake in both proceedings,  
 13 (2) the issue was litigated and decided, (3) there was a full opportunity to litigate the issue, and  
 14 (4) the merits of the issue were necessarily decided. *See Snoqualmie Indian Tribe v. Washington*, 8  
 15 F.4th 853, 863–64 (9th Cir. 2021).

16 **ARGUMENT**

17 In final rulings, the Texas Court held that Future Link’s allegations in FLS 1 and FLS 2 were  
 18 not objectively baseless. All but a single count of Realtek’s Amended Complaint requires Realtek  
 19 to establish the sham litigation exception to *Noerr-Pennington* immunity, which requires Realtek to  
 20 show, *inter alia*, that FLS 1 and 2 were objectively baseless. *See Liberty Lake Invs., Inc. v.*  
 21 *Magnuson*, 12 F.3d 155, 157–59 (9th Cir. 1993); Dkt. 217 at 8. As a matter of law, Realtek is now  
 22 collaterally estopped from arguing that FLS 1 and FLS 2 were objectively baseless, and summary  
 23 judgment as to all but Count X of the Amended Complaint is therefore appropriate.

24 **I. REALTEK IS COLLATERALLY ESTOPPED FROM ARGUING THAT FLS 1 AND**  
 25 **FLS 2 WERE OBJECTIVELY BASELESS**

26 Collateral estoppel “bars the relitigation of issues actually adjudicated in previous litigation.”  
 27 *Snoqualmie*, 8 F.4th at 864. Relitigating the alleged objective baselessness of FLS 1 and 2 is  
 28 precisely what Realtek seeks to do here. After *repeatedly* losing its objective baselessness arguments

1 in FLS 1 and 2, as well as the ITC Action, Realtek asks this Court to permit a collateral attack on  
 2 the same issue. Under the doctrine of collateral estoppel, Realtek’s sham litigation claims must be  
 3 summarily rejected.

4 **A. The Elements of Collateral Estoppel Apply to The Ruling in FLS 1**

5 *1. Objective Baselessness was the “Same Issue” in FLS 1*

6 To determine whether an issue is “the same,” the most important factor considered by courts  
 7 in the Ninth Circuit is whether the argument in the previous proceeding substantially overlaps the  
 8 argument in the instant proceeding. *Howard v. City of Coos Bay*, 871 F.3d 1032, 1041–44 (9th Cir.  
 9 2017). Other factors, such as whether the same law applies, whether participation in the first action  
 10 could reasonably embrace the second, and how closely related the claims in the two proceedings  
 11 are, can be considered but are less important. *Id.* at 1044.

12 Realtek’s contention in FLS 1 is identical to its objective baselessness contention here. To  
 13 prevail on its sham litigation theory here, Realtek must show that “no reasonable litigant could  
 14 realistically expect success on the merits.” Dkt. 217 at 8 (citing *Prof’l Real Estate Invs., Inc. v.*  
 15 *Columbia Pictures Indus.*, 508 U.S. 49, 60 (1993) (“*PRE*”). Realtek already argued this to the Texas  
 16 Court. *See* Ex. C at 5, 8–10 (summarizing Realtek’s argument that the allegations were “objectively  
 17 baseless”). The Texas Court rejected Realtek’s argument by finding that the allegations were  
 18 “plausible and ***not objectively unreasonable.***” *Id.* at 17 (emphasis added); *see also id.* at 12 (“FLS  
 19 did not choose to file a frivolous case”). The Federal Circuit not only affirmed the Texas Court’s  
 20 ruling, but relied on the substantial evidence cited in the FLS 1 complaint to hold “the district court  
 21 did not abuse its discretion in concluding that ***Future Link’s claim of infringement was supported***  
 22 ***by sufficient factual basis.***” Ex. M at \*5 (emphasis added).

23 The other factors also demonstrate that the “same issue” is at play. The same objective  
 24 unreasonableness standard applies. *See Antonious v. Spalding & Evenflo Cos.*, 275 F.3d 1066, 1073–  
 25 74 (Fed. Cir. 2002) (in the Fifth Circuit where FLS 1 is pending, Rule 11 requires a showing that  
 26 “an objectively reasonable attorney would not believe, based on some actual evidence uncovered  
 27 during the prefiling investigation, that each claim limitation reads on the accused device”); *PRE*,  
 28 508 U.S. at 60 (reciting a similar objective baselessness standard as a factor for the sham litigation

exception to *Noerr-Pennington* immunity). Indeed, the overlap of the objective prongs of Rule 11 and the sham litigation exception is often invoked by courts. *E.g.*, *PRE*, 508 U.S. at 65; *see also Q-Pharma, Inc. v. Andrew Jergens Co.*, 360 F.3d 1295, 1305 (Fed. Cir. 2004) (holding that case was not objectively baseless when rejecting a sham litigation component of an antitrust counterclaim). In addition, FLS 1 and the sham litigation exception are based on the same nucleus of facts (sufficiency of the same complaint and claim chart), have similar parties (Realtek and Future Link), and even Realtek’s counsel is substantially the same.

### 2. *Realtek “Actually Litigated” Baselessness in FLS 1*

It is undisputed Realtek “actually litigated” objective baselessness in FLS 1 because it ***told the Federal Circuit so***. *See* Ex. O at n.1, 12, 14, 23–24; *see also* Ex. C at 5, 12, 17.

### 3. *Realtek Had a Full and Fair Opportunity to be Heard*

Realtek had a full and fair opportunity to be heard because it fully briefed its arguments to both the Texas Court and the Federal Circuit. *See* Ex. C; Ex. M. Additionally, Realtek’s counsel here is substantially similar to the counsel that represented it in FLS 1.

### 4. *Baselessness / Reasonableness Was Necessary to Final Judgment*

The Texas Court’s determinations that FLS 1 was not objectively baseless was a necessary finding in denying Realtek’s Rule 11 motion. *See* Ex. C at 6 (describing Fifth Circuit’s standard for Rule 11 as “an objective, not subjective standard”); *Antonious*, 275 F.3d at 1073–74.

Because the conditions for collateral estoppel are met, Realtek cannot collaterally attack the Texas Court’s finding that Future Link’s allegations in FLS 1 were not objectively baseless. Thus, all of Realtek’s current claims based on FLS 1’s objective baselessness necessarily fail.

## **B. The Elements of Collateral Estoppel Apply to The Ruling in FLS 2**

### 1. *Objective Baselessness was the “Same Issue” in FLS 2*

Like in FLS 1, the relevant factors demonstrate that “same issue” of objective baselessness was addressed by the Texas Court in FLS 2. Realtek sought fees under 28 U.S.C. § 1927 and, like here, argued that the allegations in FLS 2 were “baseless” and “meritless claims.” Ex. F at 2, 4. The Texas Court rejected Realtek’s argument, and instead found that Future Link had asserted “plausible and not objectively unreasonable infringement allegations” that were ***not*** “meritless.” Ex. C at 16–

18 (the Texas Court referred to its reasoning for the FLS 1 case as well). The Federal Circuit agreed. Ex. M at \*5. The law for § 1927 is substantially similar to the objective baselessness standard here. *See Bryant v. Mil. Dep’t of Miss.*, 597 F.3d 678, 694 (5th Cir. 2010). The same nucleus of facts and similar parties are at play here.

Further supporting the “same issue” condition is the ALJ’s findings in the ITC Action. The infringement allegations in the ITC Action were identical. *Compare* Exs. H, I (claims charts from ITC Action) *with* Exs. J, K (identical claim charts from FLS 2). After reviewing the same claim charts that the Texas Court found “not objectively unreasonable,” the ALJ noted that the ITC had already found the infringement allegations to be sufficiently supported to institute an investigation, and confirmed that “Realtek’s assertions of ‘no evidentiary support’ are exaggerated.” Ex. L at 2.

Because Realtek has tried and failed (multiple times) to argue that Future Link’s FLS 2 allegations are objectively baseless, the “same issue” element of collateral estoppel is satisfied.

### 2. *Realtek “Actually Litigated” Baselessness in FLS 2*

As described in the previous section, Realtek previously argued to the Texas Court that FLS 2 was “baseless,” and the Texas Court instead found that the allegations were “not objectively unreasonable.” Ex. F at 2, 4; Ex. C at 16–18. Realtek also briefed its argument to the ALJ in the ITC Action. Ex. L at 2. Thus, the issue was “actually litigated” in multiple forums.

### 3. *Realtek Had a Full and Fair Opportunity to be Heard*

Realtek had a full and fair opportunity to be heard because it fully briefed its arguments to both the Texas Court, ITC ALJ, and the Federal Circuit. *See* Exs. C, L, N, M. Additionally, its counsel here is substantially similar to its counsel in FLS 2.

### 4. *Baselessness / Reasonableness Was Necessary to Final Judgment*

In order to deny Realtek’s sanctions motion in FLS 2, the Texas Court had to address Realtek’s arguments that the allegations were “baseless” and “meritless.” It did so by finding that the allegations were “plausible,” “not objectively unreasonable,” and not “meritless.” Ex. C at 16–18. The Federal Circuit upheld the Texas Court’s findings, confirming that the Texas Court applied the correct law when it found that Realtek had not shown that Future Link’s allegations in FLS 2 were meritless. Ex. M at 5. Because the Texas Court’s finding that the litigation was not meritless

1 was based on its holding that the allegations were not objectively baseless, the “no objective  
2 baselessness” finding was necessary to the final judgment. Additionally, the finding of no objective  
3 baselessness was necessary to the final judgment of the ITC, as discussed above.

4 All of the conditions for collateral estoppel are met, which means that Realtek cannot  
5 collaterally attack the Texas Court’s (and ITC’s) finding that Future Link’s allegations in FLS 2  
6 were not objectively baseless. As a result, all of Realtek’s current claims based on FLS 2 purportedly  
7 being a sham must fail.

## 8 **II. COLLATERAL ESTOPPEL RESOLVES ALL BUT A SINGLE REMAINING** 9 **COUNT OF THE AMENDED COMPLAINT**

10 All but a single count of the Amended Complaint depend on Realtek being able to prove that  
11 FLS 1 and 2 were objectively baseless. Counts II, III, V, and VI are antitrust claims asserting that  
12 FLS 1 and FLS 2 are exempted from *Noerr-Pennington* immunity because they are purportedly  
13 sham litigations. Dkt. 217 at 10–18 (the Court finding Realtek had plausibly pled the sham litigation  
14 exception); *see also* Dkt. 130 at ¶¶ 280, 287, 302, 308 (Realtek’s Amended Complaint). Realtek’s  
15 UCL claim (Count VII) and its Lanham Act claim (Count IX) depend on Realtek proving its sham  
16 litigation allegations. *See, e.g.*, Dkt. 130 at 26 (“Because Realtek has adequately pleaded that both  
17 MediaTek and the PAE defendants violated federal law . . . , Realtek’s complaint states a valid UCL  
18 claim”), 25 (“As to this limited statement about the alleged sham litigation, Realtek pleads a Lanham  
19 Act claim sufficient to survive a motion to dismiss”); *see also Pacific Gas and Electric Co. v. Bear*  
20 *Stearns & Co.*, 50 Cal. 3d 1118, 1137 (1990) (a plaintiff “seeking to state a claim for intentional  
21 interference with contract or prospective economic advantage because defendant induced another to  
22 undertake litigation, must allege that the litigation was [*inter alia*] **brought without probable**  
23 **cause...**” (emphasis added)). Finally, Realtek’s tortious interference claim against MediaTek  
24 (Count VIII) depends on Realtek being able to prove that FLS 1 and 2 were brought “without  
25 probable cause.” Dkt. 130 at 27.<sup>1</sup> If the Court finds (as it should) that collateral estoppel applies,

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26  
27 <sup>1</sup> In its Motion for Leave, MediaTek assumed that Count VIII was not subject to collateral  
28 estoppel. Upon further analysis, MediaTek recognized that collateral estoppel swept more broadly  
than previously perceived.

1 preventing Realtek from making its already-rejected objective baselessness arguments, Realtek  
 2 would be estopped from proving a necessary element of Counts II, III, V, VI, VII, VIII, and IX, and  
 3 summary judgment dismissing each Count must be entered.

### 4 **III. REALTEK'S LIKELY COUNTERARGUMENTS FAIL**

5 None of the arguments Realtek has indicated it may present in opposition to summary  
 6 judgment has merit. Realtek's primary argument in its Amended Complaint and the motion to  
 7 dismiss briefing was that it intends to raise different facts (purported misrepresentation of the RPX  
 8 agreement, and later invalidity rulings by the PTAB) in support of its objective baselessness  
 9 argument. Realtek's strategy is squarely contrary to the purpose of collateral estoppel, which serves  
 10 to prevent a party from seeking a "second bite at the apple" by trying its luck with different  
 11 arguments to a different judge. *See, e.g., Parklane Hosiery Co. v. Shore*, 439 U.S. 322, 326–27  
 12 (1979); *Snoqualmie*, 8 F.4th at 864. Collateral estoppel applies to a legal determination irrespective  
 13 of "the particular arguments raised in support of it in the first case." *Kamilche Co. v. United States*,  
 14 53 F.3d 1059, 1063 (9th Cir. 1995). Realtek had every incentive and opportunity to make its best  
 15 arguments to the Texas Court, the ITC ALJ, and the Federal Circuit. Collateral estoppel doctrine is  
 16 expressly designed to prevent Realtek from relitigating a settled issue, even if Realtek can point to  
 17 evidence it did not raise previously.<sup>2</sup>

#### 18 **A. Both Fairness and Efficiency Weigh in Favor of Collateral Estoppel**

19 Realtek may also argue that the application of collateral estoppel here is unfair. Dkt. 271 at  
 20 4–5 (citing *Parklane*, 439 U.S. at 330–31 & n.15). *Parklane* addresses concerns that may arise in  
 21 instances of *offensive* collateral estoppel where a "plaintiff is seeking to estop a defendant from  
 22 relitigating the issues which the defendant previously litigated and lost against another plaintiff."  
 23 439 U.S. at 329–30. Here, Defendants invoke *defensive* collateral estoppel against Realtek, and the

24  
 25 <sup>2</sup> Realtek's previous reliance on *Granite Rock Co. v. Int'l Broth. Of Teamsters, Freight,*  
 26 *Constr., Gen. Drivers, Warehousemen & Helpers, Local 287 (AFL-CIO)*, 649 F.3d 1067 (9th Cir.  
 27 2011), is also misplaced. There, the Court refused to apply collateral estoppel because the plaintiff  
 28 was not the same as (nor in privity with) either party in the prior proceeding and because the specific  
 issue had not been decided on the merits. *Id.* at 1070. Here, Realtek and Future Link were both  
 parties to FLS 1 and 2, and the issue (objective baselessness) was squarely decided by the Texas  
 Court and Federal Circuit.



1 imposition of defensive collateral estoppel is generally encouraged when applicable. *See id.* at 329;  
2 *see also Blonder-Tongue Labs., Inc. v. Univ. of Ill. Found.*, 402 U.S. 313, 329 (1971) (applying  
3 defensive collateral estoppel); *United States v. Real Prop. Located at 475 Martin Lane*, 545 F.3d  
4 1134, 1144 (9th Cir. 2008) (same). Realtek has cited no cases where the unfairness doctrine has  
5 been applied to defensive collateral estoppel.

6       There is also nothing “unfair” about applying collateral estoppel here in light of the Texas  
7 Court’s and ITC ALJ’s rulings. *See United States v. Mendoza*, 464 U.S. 154, 159 (1984) (noting  
8 that once a party has had a “full and fair opportunity to litigate an issue, “there is no sound reason  
9 for burdening the courts with repetitive litigation.”) Realtek’s motivations have not changed, its  
10 counsel is substantially the same as in FLS 1 and 2, and the relevant facts have not changed. Realtek  
11 argues that it is purportedly unfair to apply collateral estoppel here because Realtek “could not test  
12 FLS’s assertions regarding the RPX agreement because FLS would not provide Realtek or the  
13 Western District of Texas with a copy of the agreement.” Dkt. 271 at 4–5. Realtek, however, never  
14 requested a copy of the RPX agreement in FLS 1 or 2, even though it requested other discovery. *See*  
15 *Ex. P* at 10. Indeed, Realtek did not address the RPX agreement at all in its briefing to the Texas  
16 Court or the Federal Circuit. Realtek’s unfairness argument also fails because Future Link did not  
17 cite the RPX agreement as evidence that its allegations were objectively reasonable. The RPX  
18 agreement was raised solely in background in responding to some of Realtek’s sanctions motions.  
19 *Ex. Q* at 3; *Ex. R* at 3. The Texas Court’s citation to the RPX agreement was its own finding, and  
20 only used as a way to confirm that its findings of no objective baselessness were reasonable. *Ex. C*  
21 at 12–13. And Future Link’s representations were accurate. Future Link represented to the Texas  
22 Court that the RPX agreement “include[d] a license to ARM Holdings” and that it included a total  
23 “license fee well in excess of \$10 million.” *Ex. Q* at 3; *Ex. R* at 3. These representations are both  
24 true, as Realtek knows given that Realtek has had an unredacted copy of the agreement for a long  
25 time. *See* Dkt. 140-15 (the unredacted RPX agreement).

26       Realtek may also expand its unfairness arguments to the eventual PTAB rulings invalidating  
27 2 of the 3 patents asserted in FLS 1 and 2. With respect to the ’680 patent from FLS 1, Realtek’s  
28 IPR against some of the asserted claims was instituted on January 7, 2022 (*Ex. S*; Realtek’s first



1 '680 IPR petition did not address asserted claims 15 and 20) and Realtek had filed a second petition  
 2 challenging the remaining claims shortly before the case was dismissed. Realtek never raised the  
 3 issue of the patent potentially being invalid in its Rule 11 briefing, its motion to supplement its Rule  
 4 11 briefing (filed after dismissal of the litigation), or its fees and costs briefing (also filed after  
 5 dismissal). Nor would the fact likely have had any impact on the Texas Court's ruling because  
 6 Realtek raised the eventual PTAB invalidity ruling in its appeal briefing (Ex. O at n.2) and it did not  
 7 change the Federal Circuit's affirmation of the Texas Court's findings. Moreover, even after the  
 8 RPX agreement, Future Link vigorously opposed invalidation of the instituted IPR. Exs. T, U. The  
 9 fact that the PTAB ultimately disagreed with Future Link's argument does not matter. *See, e.g.,*  
 10 *Tyco Healthcare Grp. LP v. Mut. Pharm. Co.*, 762 F.3d 1338, 1345 (Fed. Cir. 2014) ("Given the  
 11 presumption of patent validity and the burden on the patent challenger to prove invalidity by clear  
 12 and convincing evidence, it will be a rare case in which a patentee's assertion of its patent in the  
 13 face of a claim of invalidity will be so unreasonable as to support a claim that the patentee has  
 14 engaged in sham litigation."). The second '680 IPR was not instituted because Future Link had  
 15 effectively licensed all likely infringers shortly after the filing of the second '680 IPR petition and  
 16 disclaimed the patent rather than squander the PTAB's and Future Link's resources. *See* Ex. V. In  
 17 FLS 2, Realtek filed its IPR petition challenging one of the two asserted patents (the '614 patent)  
 18 two months *after* FLS 2 had been dismissed. Ex. W at 1. Future Link responded by disclaiming the  
 19 '614 patent because, given that "the vast majority of [likely infringers] are licensed..., Future Link  
 20 does not wish to waste the Board's resources litigating a patent that is already licensed to practically  
 21 the entire industry." *Id.* at 1–2. Realtek has never challenged the validity of the '439 patent asserted  
 22 in FLS 2. Nor did Realtek mention potential invalidity of the FLS 2 patents in its FLS 2 fees motion  
 23 or appeal briefing.

24 **B. Realtek's Supposed Distinctions Between Objective Baselessness Tests Fail**

25 Realtek's claim that compliance with Rule 11 does not automatically defeat a sham litigation  
 26 claim, *see* Dkt. 271 at 3–5, is a straw man. Realtek's previous, rejected arguments demonstrate that  
 27 the sham exception cannot apply in this case because multiple courts have already found that Future  
 28 Link's patent infringement suits were objectively reasonable. In both FLS 1 and FLS 2, Realtek

1 argued that the allegations were objectively baseless, and the Texas Court rejected this claim. There  
 2 is no relevant difference between the meaning of “objectively baseless” used by the Texas Court  
 3 (and ITC ALJ) when rejecting Realtek’s argument and the meaning that applies here. Realtek itself  
 4 conceded the identity between Rule 11 and the sham litigation standard before the Federal Circuit  
 5 when it argued that “an attorney violates Rule 11(b)(3) when an objectively reasonable attorney  
 6 would not believe” in success on the merits. *See* Ex. O at 39, 42 (citing *Antonious*, 275 F.3d at 1073–  
 7 74). *Antonious* confirms that a claim is “frivolous” (and sanctionable) only if it is both objectively  
 8 baseless and not the product of a reasonable investigation. *Id.* That standard aligns with the *PRE* test  
 9 exactly. *See PRE*, 508 U.S. at 65; *Q-Pharma*, 360 F.3d at 1304–05.<sup>3</sup>

10 **C. Preclusion Prevents Realtek From Seeking More Discovery to Relitigate**

11 Finally, Realtek may invoke Rule 56(d) to argue that additional discovery is necessary, such  
 12 as the “details surrounding the RPX agreement, FLS’s dismissal of the patent suit, and other aspects  
 13 of Defendants’ conduct.” *See* Dkt. 271 at 3. Collateral estoppel, however, is a legal inquiry, not a  
 14 factual one. *E.g.*, *Kamilche*, 53 F.3d at 1063. Moreover, the discovery identified by Realtek is not  
 15 relevant to *objective* baselessness. If relevant at all, the discovery would go towards the subjective  
 16 prong of the sham litigation analysis (*i.e.*, whether FLS 1 and 2 were solely brought as a pretense to  
 17 interfere with Realtek’s business opportunities), which is not at issue here. If the underlying suits  
 18 were not objectively baseless, subjective considerations are irrelevant. The Court needs no  
 19 additional discovery to rule on this Motion.

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 22  
 23  
 24 <sup>3</sup> Realtek has previously cited *Christian v. Mattel Inc.*, 286 F.3d 1118 (9th Cir. 2002), but  
 25 it also offers no support. *Christian* describes that Rule 11 will only be applied if a claim is  
 26 objectively baseless, which aligns with *PRE*’s objective basis prong. *Magnetar Technologies Corp.*  
 27 *v. Intamin, Ltd.*, 2008 WL 11338443 (C.D. Cal. Feb. 11, 2008) likewise does not support Realtek’s  
 28 position. There, at the pleading stage, the court allowed a sham litigation claim to proceed because  
 a prior vacated sanctions order did not expressly rule on the issue of objective baselessness. *Id.* at  
 \*5-7. Here, the Texas Court and Federal Circuit both *expressly* held that FLS 1 and 2 were not  
 objectively baseless.

**CONCLUSION**

For the foregoing reasons, Defendants respectfully request that the Court enter summary judgment that Realtek is collaterally estopped from arguing that FLS 1 and 2 are objectively baseless, and dismissing Counts II, III, V, VI, VII, VIII, and IX of the Amended Complaint.

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**ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1**

Pursuant to Civil Local Rule 5-1(i)(3) of the Northern District of California, I attest that concurrence in the filing of the document has been obtained from each of the other signatories to this document.

Executed on October 23, 2025

/s/ Adam B. Wolfson

Adam B. Wolfson