

1 JAMES KRAMER (SBN 154709)
jkramer@orrick.com
2 ORRICK, HERRINGTON & SUTCLIFFE LLP
405 Howard Street, Suite 700
3 San Francisco, CA 94105
Tel: (415) 773-5923

4 ANISHA S. DASGUPTA (*pro hac vice*)
5 adasgupta@orrick.com
ERIC S. HOCHSTADT (*pro hac vice*)
6 ehochstadt@orrick.com
LAUREN BERNSTEIN (*pro hac vice*)
7 lbernstein@orrick.com
ORRICK, HERRINGTON & SUTCLIFFE LLP
8 51 W 52nd Street
New York, NY 10019
9 Tel: (212) 506-5000

10 CHRISTOPHER HIGGINS (*pro hac vice*)
chiggins@orrick.com
11 JOSEPH ADAMSON (*pro hac vice*)
jadamson@orrick.com
12 BRENNA FERRIS NEUSTATER (*pro hac vice*)
bneustater@orrick.com
13 ORRICK, HERRINGTON & SUTCLIFFE LLP
2100 Pennsylvania Avenue NW, 6th Fl.
14 Washington, DC 20037
Tel: (202) 339-8400

15 *Attorneys for Plaintiff Realtek Semiconductor Corp.*

16 UNITED STATES DISTRICT COURT
17 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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20 REALTEK SEMICONDUCTOR CORP.,

21 Plaintiff,

22 vs.

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

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

**ADMINISTRATIVE MOTION TO
TEMPORARILY ADJOURN THE
HEARING ON DEFENDANTS' EARLY
MOTION FOR SUMMARY
JUDGMENT AND FOR LEAVE TO
SUBMIT SUPPLEMENTAL BRIEFING**

Judge: Honorable P. Casey Pitts

1 Pursuant to Local Rules 7-11 and 6-3, Plaintiff Realtek Semiconductor Corp. respectfully
2 moves for leave to temporarily adjourn the hearing on Defendants' Early Motion for Summary
3 Judgment and for all parties to submit additional briefing after the Western District of Texas issues
4 its post-remand ruling. Defendants oppose both requests.

5 **I. ADDITIONAL BRIEFING IS NECESSARY**

6 As indicated in the concurrently filed Statement of Recent Decision, in *Future Link Systems*
7 *LLC v. Realtek Semiconductor Corp.*, No. 21-cv-00363 (W.D. Tex.), the Western District of Texas
8 recently granted Realtek Semiconductor Corp.'s Motion for Additional Discovery and New
9 Briefing on whether that case was exceptional such that Realtek is entitled to attorneys' fees under
10 35 U.S.C. § 285 fees and whether Realtek, as the prevailing party, is entitled to Federal Rule 54
11 costs in *Future Link Systems LLC v. Realtek Semiconductor Corp.*, No. 21-cv-00363 (W.D. Tex.).
12 No party had an opportunity to raise these developments in early summary judgment briefing
13 because the Texas district court's order had not yet issued. But Realtek did argue, as two of several
14 reasons to deny Defendants' Early Motion for Summary Judgment, (i) that Defendants' Early
15 Motion for Summary Judgment was inappropriate because the Texas case is still pending following
16 the remand from the Federal Circuit (a fact Defendants consistently ignore) and (ii) that Realtek
17 did not have a full and fair opportunity to litigate the issues that are now before the Texas district
18 court; Realtek also—when filing its opposition in this Court on November 6, 2025—explicitly
19 noted the then-upcoming November 14, 2025, hearing in the Texas case. Pl.'s Opp. to Defs.' Early
20 Mot. for Summ. J. (ECF No. 282) at 1, 3–4, 9–11, 11 n.9. The Texas district court will now have
21 the chance to evaluate the exceptional nature of Defendant Future Link's conduct on an accurate
22 current record, as opposed to an inaccurate and stale record that contained misrepresentations by
23 Future Link and did not include Future Link's abandonment of its claims against Realtek in other
24 fora. Realtek prepared this motion promptly after the Texas district court's order. Because this is
25 a material change in circumstances regarding the Motion, good cause exists for the parties to
26 address it.

1 “Courts may allow the filing of supplemental briefing where a party establish[es] good
2 cause to warrant such briefing.” *Fischer v. Kelly Servs. Glob., LLC*, No. 23-CV-1197 JLS (JLB),
3 2023 WL 8458786, at *1 (S.D. Cal. Nov. 6, 2023) (citation and quotation marks omitted). “Good
4 cause exists where, for example, the briefing may make a substantive difference in the dispute
5 under consideration.” *Id.* (citation and quotation marks omitted). Courts have therefore granted
6 supplemental briefing when, as here, “[t]he events . . . occurred after the Parties briefed the Motion
7 . . . and sufficiently relate to the issues presented therein.” *Id.*; see *Barco N.V. v. Tech. Properties*
8 *Ltd.*, No. 5:08-cv-05398 JF (HRL), 2011 WL 1422896, at *3 (N.D. Cal. Mar. 8, 2011) (granting
9 leave to file sur-reply to consider previously unavailable evidence pertinent to motion for summary
10 judgment). Similarly, courts have granted leave to file additional briefing to consider evidence or
11 arguments that give a more complete picture of the issues in need of resolution. See, e.g., *Radware,*
12 *Ltd. v. F5 Networks, Inc.*, No. 5:13-cv-02024-RMW, 2016 WL 393227, at *2 (N.D. Cal. Feb. 2,
13 2016) (granting leave to file additional briefing on summary judgment motion because it “helped
14 to crystalize the disputed issues”); *In re: Cathode Ray Tube (CRT) Antitrust Litig.*, No. C-07-
15 05944-SC, 2014 WL 7206620, at *1 n.2 (N.D. Cal. Dec. 18, 2014) (granting leave “in the interests
16 of completeness and judicial efficiency”).

17 Good cause exists here to warrant supplemental briefing. The hearing leading to the Texas
18 district court’s order for additional discovery and briefing had not yet happened when the parties
19 briefed Defendants’ Early Summary Judgment Motion. Realtek alerted the Court to the hearing in
20 Texas in its Opposition, see *Opp.* at 11, provided a copy of the letter to the Texas district court
21 requesting additional discovery and new briefing as part of the Federal Circuit’s remand directive,
22 see *Opp.*, Ex. N, and promptly alerted the Court to the Texas court’s order.

23 Additional briefing is appropriate because the Texas court’s decision will “give a more
24 complete picture of the issues in need of resolution” by addressing the sanctions rulings for which
25 Defendants claim preclusive effect in this antitrust action. *Toungset v. Valley-Wide Recreation &*
26 *Park Dist.*, No. EDCV 16-88 JGB (KKX), 2020 WL 8410456, at *2 (C.D. Cal. Feb. 20, 2020)
27 (finding party had “presented a ‘valid reason’ for additional briefing” because new evidence “could
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1 be relevant to the Court’s ruling” on a motion for summary judgment). Specifically, this Court
2 previously noted that it could not “determine whether the outcome of the sanctions motion would
3 have been different if the Western District of Texas court had reviewed the RPX agreement and
4 learned that ARM paid no specific amount of consideration to license the patents at issue in the
5 December 2021 lawsuit.” Mar. 7, 2025 Order (ECF No. 217) at 16. Future Link has now provided
6 the Texas district court with the RPX agreement. *See* Ex. B to Future Link’s Resp. Letter, *Future*
7 *Link Systems LLC v. Realtek Semiconductor Corp.*, Dkt. No. 155.02, No. 21-cv-00363 (W.D. Tex.
8 Oct. 20, 2025) (attaching RPX agreement); *see* Ex. A to Realtek Reply, *Future Link Systems LLC*
9 *v. Realtek Semiconductor Corp.*, Dkt. No. 156.01, No. 21-cv-00363 (W.D. Tex. Oct. 24, 2025)
10 (attaching patent list that Future Link omitted in its submission). And in response, over Future
11 Link’s repeated objections and obfuscations (Future Link opposed Realtek’s requests for tailored
12 discovery and supplemental briefing), the Texas district court has ordered discovery, supplemental
13 briefing, and a further hearing to obtain a full picture of Future Link’s actions before that court—
14 including whether Future Link’s misleading statements about the RPX agreement, as well as
15 Future Link’s overall litigation conduct before that court and others, made the case exceptional
16 under the meaning of 35 U.S.C. § 285 as interpreted by *Octane Fitness, LLC v. ICON Health &*
17 *Fitness, Inc.*, 572 U.S. 545 (2014) and its progeny. This Court should have a complete picture,
18 including the benefit of the Western District of Texas’s fully informed decision, before ruling on
19 Defendants’ Early Motion for Summary Judgment.

20 For these reasons, Realtek respectfully requests leave to file supplemental briefing.
21 Counsel for all parties have met and conferred on this matter via email; counsel for Defendants
22 opposes the relief requested herein. Hochstadt Decl. ¶ 2.

23 **II. THE TIMING OF THE HEARING ON DEFENDANTS’ EARLY MOTION FOR** 24 **SUMMARY JUDGMENT SHOULD BE CHANGED**

25 The parties are subject to the following schedule in the Western District of Texas:

- 26 • December 1, 2025: Future Link’s document production deadline
- 27 • December 8, 2025: Realtek’s brief due

1 Adjournment will also avoid unnecessary time and expense for counsel, the parties, and
2 the Court, by enabling the Court to hear complete argument in one session on all issues implicated
3 by Defendants’ Early Motion for Summary Judgment. Good cause exists for this request because
4 the Texas proceedings will provide a fuller picture of the facts relevant to resolving Defendants’
5 early summary judgment motion, and there will be no delay to trial or discovery in this Court.
6 There have been minimal previous time modifications in this case: the parties stipulated to extend
7 deadlines to answer the complaint, and the Court granted in part Realtek’s motion to extend time
8 to amend its complaint. *See, e.g.*, ECF Nos. 19, 113, 134, 222. This request will not affect any
9 other Court ordered dates. Local Rule 6-3(a)(6). As required by Local Rule 6-3(2), counsel for
10 Realtek contacted Defendants to reach an agreement on the issue. Hochstadt Decl. ¶ 2. Defendants
11 oppose a temporary adjournment of the hearing. *Id.*

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1 Dated: November 24, 2025

Respectfully submitted,

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By: /s/ Eric S. Hochstadt

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JAMES KRAMER (SBN 154709)
jkramer@orrick.com
ORRICK, HERRINGTON & SUTCLIFFE LLP
405 Howard Street, Suite 700
San Francisco, CA 94105
Tel: (415) 773-5923

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6

7

8

ANISHA S. DASGUPTA (*pro hac vice*)

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9

LAUREN BERNSTEIN (*pro hac vice*)

lbernstein@orrick.com

ORRICK, HERRINGTON & SUTCLIFFE LLP

51 W 52nd Street

New York, NY 10019

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10

11

12

13

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jadamson@orrick.com

chiggins@orrick.com

bneustater@orrick.com

ORRICK, HERRINGTON & SUTCLIFFE LLP

2100 Pennsylvania Avenue NW, 6th Fl.

Washington, DC 20037

Tel: (202) 339-8400

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Attorneys for Plaintiff Realtek Semiconductor Corp.

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