

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ADVANCED MICRO DEVICES, INC.
and ATI TECHNOLOGIES ULC,

Plaintiffs,

v.

TCL INDUSTRIES HOLDINGS CO.,
LTD., ET AL.,

Defendants.

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Case No. 2:22-cv-00134-JRG-RSP

ORDER

Before the Court is the Motion for a Discretionary Stay (**Dkt. No. 37**) and the Motion for Hearing on Plaintiffs’ Motion for Discretionary Stay (**Dkt. No. 53**) both filed by Plaintiffs Advanced Micro Devices, Inc. and ATI Technologies ULC (together, “AMD”). In its motion seeking a stay, AMD argues this case as it relates to Defendant Realtek Semiconductor Corp. should be stayed until final determination by the International Trade Commission in the parallel proceeding before the ITC, which is Investigation No. 337-TA-1318 (“ITC Proceeding”).¹

AMD argues that the remainder of the case should be stayed given that all of the Defendants in this case, including Realtek, are parties to the ITC Proceeding and four of the five patents in this suit are at issue in the ITC Proceeding. Dkt. No. 37 at 3-4. Thus, AMD argues that, because the suit is in its infancy and it is not seeking an indefinite stay, there is minimal prejudice to Realtek. Dkt. No. 37 at 6. Furthermore, AMD argues that staying the case would increase judicial efficiency by minimizing wasted time and effort.

¹ All the other Defendants, collectively the TCL Defendants, moved for a stay of this case as to them, Dkt. No. 36, which the Court granted. Dkt. No. 44.

Realtek responds by arguing that AMD's stay is an effort to ensure a second opportunity to argue infringement if it is not successful in the ITC Proceeding: "[p]resumably, AMD will need to maintain consistency in its infringement theories as between two cases that are being litigated in parallel, rather than litigating in the ITC first and then advancing modified theories in the district court after the ITC proceeding has concluded." Dkt. No. 43 at 10. Furthermore, by AMD's refusal to be bound by the outcome of the ITC Proceeding, Realtek argues that the ITC Proceeding will not lead to a simplification of the issues and cause Realtek to waste time and effort when AMD relitigates the issues in this case.

The Court finds that staying this case would promote judicial efficiency. Although it is true that decisions of the ITC are not binding under the principles of collateral estoppel or res judicata, the "decision of an administrative agency may be given preclusive effect in a federal court when, as [in an ITC proceeding], the agency acted in a judicial capacity." *Texas Instruments Inc. v. Cypress Semiconductor Corp.*, 90 F.3d 1558, 1568 (Fed. Cir. 1996). Thus, allowing the ITC Proceeding to reach finality will promote judicial efficiency because the Court could be guided by the ITC's final decision instead of having to rehear all the issues regarding four of the five asserted patents.

Further weighing in favor of staying the case is the fact that the case has been stayed against the other defendants by agreement. Going forward with the claims only against a single defendant creates a significant likelihood of having to repeat many of the same functions when the ITC proceeding has concluded.

Finally, Realtek requests that the claims of infringement of the patent not at issue in the ITC Proceeding go forward. Because the ITC Proceeding and the Court might issue inconsistent findings on common issues among all of the patents in suit, the Court again finds that staying the whole case promotes judicial efficiency.

In sum, the Court finds Realtek's arguments opposing a stay to be unpersuasive. Therefore, to promote judicial efficiency, the Court **GRANTS** the motion to stay (Dkt. No. 37) and **DENIES AS MOOT** the motion for a hearing (Dkt. No. 53). It is therefore **ORDERED** that the above-captioned case be stayed in its entirety until final resolution of Investigation No. 337-TA-1318. It is further **ORDERED** that the parties to file a joint notice within 30 days from the resolution of ITC Proceeding. In the joint notice, the parties are to inform the Court of the outcome of the ITC Proceeding and whether the stay should be lifted in this case.

SIGNED this 12th day of September, 2022.


ROY S. PAYNE
UNITED STATES MAGISTRATE JUDGE