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6 Attorneys for SPECIALLY APPEARING
 7 DEFENDANT Wi-LAN Inc.

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN FRANCISCO DIVISION

11
 12 ACER AMERICA CORP., APPLE INC.,
 DELL INC., AND GATEWAY, INC.

Case No. C 08-CV-05624 (SI)

13 Plaintiffs,

**STIPULATION AND [PROPOSED]
 ORDER TO EXTEND TIME TO
 RESPOND TO AMENDED COMPLAINT**

14 v.

15 WI-LAN INC.,

16 Defendant.
 17

18
 19 Subject to its special appearance, specially appearing defendant Wi-LAN Inc., by and
 20 through its counsel, requests that defendant's time to answer or otherwise plead to the complaint
 21 be extended until a date ten (10) days after Judge James Ware rules on Wi-LAN Inc.'s Motion to
 22 Dismiss for Lack of Personal Jurisdiction, Subject Matter Jurisdiction and Improper Venue, and
 23 Motion to Transfer to First Filed Forum, filed January 15, 2009, in a related declaratory
 24 judgment action styled *Intel Corp. v Wi-LAN Inc. et al*, 5:08-cv-4555 (N.D. Cal.).

25 This stipulated request is made on the grounds that the parties wish to avoid duplicative
 26 motion practice. Judge Ware's anticipated ruling in the *Intel* case will give the parties substantial
 27 guidance as to how to proceed and may eliminate the need for motion practice in the instant

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1 action. Accordingly, it is in the interest of private and judicial economy to extend the time for
2 Wi-LAN Inc. to answer or otherwise plead until a date ten (10) days after this Court's ruling in
3 *Intel Corp. v. Wi-LAN Inc. et al.*

4 Defendant's time to respond to the complaint has been previously extended one time by
5 Order dated February 6, 2009 (DI 18). Plaintiffs Acer America Corp., Apple Inc., Dell Inc., and
6 Gateway Inc. stipulate to such extension and, therefore, do not oppose defendant's request.

7 So stipulated,

8
9 Dated: February 20, 2009

MCKOOL SMITH PC

10 By: _____ /s/

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Dated: February 20, 2009

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TO AMENDED COMPLAINT
Case No. C 08-CV-05624 (SI)

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Dated: February 20, 2009

MILBANK, TWEED, HADLEY & McCLOY
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By: /s/

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Case No. C 08-CV-05624 (SI)

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Dated: February 20, 2009

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By: _____ /s/

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STIPULATION AND [PROPOSED] ORDER TO EXTEND TIME TO RESPOND
TO AMENDED COMPLAINT
Case No. C 08-CV-05624 (SI)

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1 Upon the parties' stipulation, and good cause appearing therefore, it is ORDERED that
2 specially appearing defendant Wi-LAN Inc.'s time to answer or otherwise plead to the complaint
3 herein is hereby extended until a date ten (10) days after this Court's ruling on Wi-LAN Inc.'s
4 Motion to Dismiss for Lack of Personal Jurisdiction, Subject Matter Jurisdiction and Improper
5 Venue and Motion to Transfer to First Filed Forum, filed January 15, 2009, in a related
6 declaratory judgment action styled *Intel Corp. v Wi-LAN Inc. et al*, 5:08-cv-4555 (N.D. Cal.).

7
8 Dated: 2/20/09
9 _____, 2009

By: 

United States District Court Judge

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CERTIFICATE OF SERVICE

I hereby certify that on February 20, 2009, a true and correct copy of the foregoing STIPULATION AND [PROPOSED] ORDER TO EXTEND TIME TO RESPOND TO AMENDED COMPLAINT was filed electronically with the Clerk of the Court using CM/ECF System. Notice of this filing will be sent by operation of the Court’s electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court’s electronic filing system.

By: /s/ Michael G. McManus
Michael G. McManus

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