

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

CERTICOM CORP. and CERTICOM
PATENT HOLDING CORP.,

Plaintiff,

v.

SONY CORPORATION, SONY
CORPORATION OF AMERICA, SONY
COMPUTER ENTERTAINMENT INC.,
SONY COMPUTER ENTERTAINMENT
AMERICA INC., SONY PICTURES
ENTERTAINMENT INC., SONY
ELECTRONICS INC. and SONY DADC
US INC.,

Defendants.

Civil Action No. 2-07-CV-216(TJW)

JURY

**JOINT MOTION FOR LEAVE TO SUSPEND DOCKET CONTROL
AND DISCOVERY CONTROL SCHEDULES UNTIL
PLAINTIFF RETAINS NEW LEAD COUNSEL**

Defendants Sony Corporation, Sony Corporation of America, Sony Computer Entertainment Inc., Sony Computer Entertainment America Inc., Sony Pictures Entertainment Inc., Sony Electronics Inc. and Sony DADC US Inc. (collectively, “Sony”) and Plaintiffs Certicom Corp. and Certicom Patent Holding Corp. (collectively “Certicom”) respectfully request to suspend the dates listed below on the Docket Control and Discovery Control Schedules until Plaintiffs retain new lead counsel.

Wherefore on March 23, 2009, Certicom Corp.¹ was acquired by Research In Motion (“RIM”) and Ropes & Gray LLP (“Ropes”), Certicom’s then lead counsel, moved this Court to

¹ Certicom Patent Holding Corp. is a wholly owned subsidiary of Certicom Corp.

withdraw itself from representing RIM based on an actual or potential conflict. On March 24, 2009, this Court granted Ropes' motion to withdraw.

Based on this Court's orders of March 6, 2009 and March 30, 2009 the following dates are upcoming on the Docket Control and Discovery Control Schedules:

1. April 8, 2009 - Compliance with P.R. 4-3 (Joint Claim Construction and Prehearing Statement)
2. April 16, 2009 - Disclosure of Computation of Damages
3. April 16, 2009 - Compliance with 4-5(a)
4. May 12, 2009 - Compliance with 4-5(b)
5. May 15, 2009 - Close of fact discovery
6. May 23, 2009 - Compliance with 4-5(c)

Patent Rule 4-2 requires that the parties "meet and confer for the purposes of narrowing the issues" before presenting the Joint Claim Construction and Prehearing Statement to the Court. Plaintiff's local counsel Carl R. Roth has informed Sony that he does not have the authority to engage in such a meet and confer. Both parties thus request that the dates above be suspended until Certicom's new lead counsel makes an appearance in the case.

Dated: April 8, 2008

Respectfully submitted,

By: /s/ Carl R. Roth by permission Melvin R. Wilcox, III

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Attorney for Defendants

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to FED. R. CIV. P. 5(d) and Local Rule CV-5(d), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by facsimile, electronic mail, and/or first class mail, on this 8th day of April, 2009.

/s/ Melvin R. Wilcox, III
MELVIN R. WILCOX, III