

**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

UNOPPOSED

**SONY'S AGREED-TO MOTION FOR LEAVE TO SERVE ITS
SECOND AMENDED PATENT INVALIDITY CONTENTIONS**

By agreement of the parties, 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") respectfully request for leave to serve its Second Amended Patent Invalidity Contentions pursuant to P.R. 3-6(b).

Pursuant to P.R. 3-3, Sony served its Patent Invalidity Contentions on April 24, 2008. Sony subsequently served its Amended Patent Invalidity Contentions in accordance with the Court's Order (D.I. 51) on July 11, 2008. Sony's current amendments are based on new controlling authority and information that Sony has learned since serving its Amended Patent Invalidity Contentions.

Counsel for Certicom was provided with a copy of the proposed Second Amended Patent Invalidation Contentions on January 9, 2009. On January 28, 2009, counsel for Certicom informed counsel for Sony that Certicom consents to this motion to serve the amended contentions but that Certicom's consent to the motion for leave to serve does not indicate agreement with the amended contentions. A copy of the Second Amended Patent Invalidation Contentions and a supporting Declaration of Paul T. Qualey are submitted concurrently herewith.

Dated: January 29, 2009

Respectfully submitted,

By: /s/ 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 29th day of January, 2009.

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