IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS TYLER DIVISION

WI-LAN INC.,	§	
	§	
Plaintiff,	§	
	§	
V.	§	
	§	
ALCATEL-LUCENT USA INC.;	§	
TELEFONAKTIEBOLAGET LM	§	Civil Action No. 6:10-cv-521-LED
ERICSSON; ERICSSON INC.; SONY	§	
ERICSSON MOBILE COMMUNICATIONS	§	JURY TRIAL DEMANDED
AB; SONY ERICSSON MOBILE	§	
COMMUNICATIONS (USA) INC.; HTC	§	
CORPORATION; HTC AMERICA, INC.;	§	
EXEDEA INC.; LG ELECTRONICS, INC.;	§	
LG ELECTRONICS MOBILECOMM U.S.A.,	8	
INC.; LG ELECTRONICS U.S.A., INC.		
	-	
Defendants.	§	
COMMUNICATIONS (USA) INC.; HTC CORPORATION; HTC AMERICA, INC.; EXEDEA INC.; LG ELECTRONICS, INC.; LG ELECTRONICS MOBILECOMM U.S.A., INC.; LG ELECTRONICS U.S.A., INC.	00 00 00 00 00 00 00 00 00	

JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT

Pursuant to Patent Rule 4-3, the parties file this Joint Claim Construction and Prehearing Statement.

(a) The parties have agreed on proposed constructions for the following claims terms, phrases, or clauses:

Claim Term or Phrase	Agreed Construction
orthogonal codes	codes that cross-correlate to zero
selectively designate one or more of said traffic channels as locked channels	make one or more data channels unavailable for transmission
wireless link	a radio connection between a central terminal and a particular subscriber terminal for communicating data items therebetween

- (b) The parties' proposed constructions of each disputed claim term, phrase, or clause are provided in the table attached as Exhibit A. Wi-LAN's identification of references from the specification or prosecution history that support its constructions and extrinsic evidence on which it intends to rely is attached as Exhibit B. Wi-LAN further reserves the right to use any intrinsic or extrinsic evidence identified by the Defendants, in this filing or otherwise. The Defendants' identification of references from the specification or prosecution history that support their constructions and extrinsic evidence on which they intend to rely is attached as Exhibit C. Defendants further reserve the right to use any intrinsic or extrinsic evidence identified by Wi-LAN, in this filing or otherwise.
- (c) The parties anticipate that the Claim Construction Hearing will require a total of three hours. This would allow each side 90 minutes to argue the disputed claim terms, phrases, and clauses.
- (d) Neither party intends to call any witnesses live at the claim construction hearing.
- (e) According to the Docket Control Order, there is no prehearing conference scheduled before the Claim Construction Hearing. The parties do not at this time have any other issues that might be appropriately taken up at either a prehearing conference before or at the Claim Construction Hearing.

Dated: February 6, 2012

/s/ Akshay S. Deoras

Michael E. Jones - LEAD ATTORNEY

TX Bar 10929400 Allen F. Gardner TX Bar 24043679 POTTER MINTON PC 110 N. College Avenue Tyler, TX 75702

Tel: (903) 597-8311 Fax: (903) 593-0846

<u>mike.jones@potterminton.com</u> allen.gardner@pottenminton.com

Gregory S. Arovas (*pro hac vice*) Robert A. Appleby (*pro hac vice*) Akshay S. Deoras (*pro hac vice*)

KIRKLAND & ELLIS LLP 601 Lexington Avenue New York, NY 10022 Tel: (212) 446-4800 Fax: (212) 446-4900

robert.appleby@kirland.com greg.arovas@kirkland.com akshay.deoras@kirkland.com Alcatel-Lucent-Wi-LAN-Defense@kirkland.com

Attorneys for Defendant Alcatel-Lucent USA Inc.

_/s/_Richard L. Wynne, Jr._

Bruce S. Sostek – LEAD ATTORNEY

TX Bar 18855700 Richard L. Wynne, Jr. TX Bar 24003214 Matthew P. Harper TX Bar 24037777 THOMPSON KNIGHT LLP 1722 Routh Street, Suite 1500

Dallas, TX 75201
Tel: (214) 969-1700

Fax: (214) 969-1751 <u>bruce.sostek@tklaw.com</u> richard.wynne@tklaw.com

Respectfully submitted,

/s/ John A. Fedock

Johnny Ward TX Bar 00794818 Wesley Hill TX Bar 24032294

WARD & SMITH LAW FIRM

111 W. Tyler Street Longview, TX 75601 Tel: (903) 757-6400 Fax: (903-757-2323 jw@jwfirm.com wh@jwfirm.com

David B. Weaver – LEAD ATTORNEY

TX Bar. 00798576
Juliet M. Dirba
TX Bar. 24051063
Jeffrey T. Han
TX Bar 24069870
John A. Fedock
TX Bar 24059737
Syed K. Fareed
TX Bar 24065216
Avelyn M. Ross
TX Bar 24027817
VINSON & ELKINS LLP
2801 Via Fortuna, Suite 100

Austin, TX 78746
Tel: (512) 542-8400

dweaver@velaw.com jdirba@velaw.com jhan@velaw.com jfedock@velaw.com sfareed@velaw.com aross@velaw.com WI-LAN@velaw.com

Charles P. Ebertin VINSON & ELKINS LLP

525 University Avenue, Suite 410

Palo Alto, CA 94301-1918

Tel: (650) 617-8400 cebertin@velaw.com

Attorneys for Plaintiff, Wi-LAN Inc.

matt.harper@tklaw.com

Attorneys for Defendants Ericsson Inc., Telefonaktiebolaget LM Ericsson, Sony Ericsson Mobile Communications (USA) Inc., and Sony Ericsson Mobile Communications AB

_/s/_Martin R. Bader_

Eric Findlay
TX Bar 00789886
Brian Craft
TX Bar 04972020
FINDLAY CRAFT LLP
6760 Old Jacksonville Highway, Suite 101
Tyler, TX 75703

Tel: (903) 534-1100 Fax: (903) 534-1137 efindlay@findlaycraft.com bcraft@findlaycraft.com

Stephen S. Korniczky (pro hac vice)
Martin R. Bader (pro hac vice)
SHEPPARD MULLIN RICHTER & HAMPTON LLP
12275 El Camino Real, Suite 200
San Diego, CA 92130
Tel: (858) 720-8924
Fax: (858) 847-4892

<u>skorniczky@sheppardmullin.com</u> mbader@sheppardmullin.com

Attorneys for Defendants HTC Corporation, HTC America Inc., and Exedea Inc.

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). 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 email and/or fax, on this the 6th day of February 2012.

/s/ John A. Fedock
