

**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.,	§	
INC.; LG ELECTRONICS U.S.A., INC.	§	
	§	
Defendants.	§	

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 7, 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
mike.jones@potterminton.com
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@kirkland.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
bruce.sostek@tklaw.com
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
skorniczky@sheppardmullin.com
mbader@sheppardmullin.com

***Attorneys for Defendants HTC
Corporation, HTC America Inc., and
Exede 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 7th day of February 2012.

/s/ John A. Fedock
