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

DATE:   April 26, 2012

**LEONARD DAVIS**                                    Court Reporter:  Shea Sloan
**Judge Presiding**

Law Clerk(s):  Allan Bullwinkel                Court Administrator:  Rosa L Ferguson

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| **WI-LAN, Inc.** <br><br> **V** <br><br> **ALCATEL-LUCENT USA, INC., ET AL** | **CIVIL ACTION NO: 6:10-CV-521** <br><br> **MARKMAN HEARING** |
| ATTORNEYS FOR PLAINTIFF | ATTORNEYS FOR DEFENDANTS |

<div align="center">SEE SIGN-IN SHEETS</div>

On this day, came the parties by their attorneys and the following proceedings were had:

| OPEN:  9:30 AM | ADJOURN:  12:00 PM |
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| TIME: | MINUTES: |
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| 9:30 am | Case called.  PARTIES ANNOUNCED READY.  **(SEE SIGN-IN SHEETS)** |
| | Court addressed the parties and asked for a brief opening statement. |
| | Mr. Weaver presented a brief opening statement to the Court.  (4 patents at issue.) Mr. Wynne did not have anything further to add. |
| | Mr. Weaver presented term **"Subscriber Terminal."** |
| | Mr. Bader responded.  Mr. Weaver continued with his presentation. |
| | Mr. Bader responded and proposed the Defendant's definition for "subscriber terminal." |
| | Mr. Weaver responded. |
| | Mr. Wynne addressed the Court on the agreement on the orthogonal code.  Mr. |
| | Mr. Valek presented term **"time division multiplexing (TDM) techniques."** |
| | Mr. Appleby responded and proposed the Defendant's definition of term.  Mr. Valek responded. |
| 10:40 am | Court in recess. |
| 10:55 am | Hearing resumed.  Court will move on to time slot. |

| TIME: | MINUTES: |
|---|---|
| | Mr. Valek presented term **"time slot."** |
| | Mr. Appleby responded. |
| | Mr. Valek addressed the Court on terms "TDM encoder and decoder" and will submit on the papers. Mr. Appleby responded and agrees on Wi-Lan's revised construction on encoder. Mr. Appleby presented defendant's proposed construction on decoder. Court proposed definition to the parties. Defendants in agreement. Plaintiff asked to confer. Court's proposed definition and parties in agreement. |
| | Mr. Appleby addressed the Court on TDM techniques. Mr. Valek responded. Mr. Appleby responded. Court addressed the parties. Mr. Appleby responded. Mr. Valek responded. |
| | Court clarified definition of TDM decoder. Court and parties discussed. |
| | Mr. Valek presented term **"overlay code."** |
| | Mr. Bader responded and proposed Defendant's definition of term. Mr. Weaver asked to confer. Mr. Valek responded. Mr. Bader responded. Mr. Valek responded. Court and parties discussed the "tree" diagram. Mr. Wynne responded. Mr. Valek responded. |
| | Mr. Weaver presented term **"Parameters Pertaining to..."** |
| | Mr. Appleby responded and proposed Defendant's definition to term. Mr. Weaver responded to the dependent claim. |
| | Mr. Weaver presented term **"Channel Pool."** |
| | Mr. Sostek responded and presented Defendant's proposed definition to term. Mr. Weaver responded. Court and parties continued to discuss. |
| | Court and parties discussed the MSJs and will be submitted on the briefs. |
| 12:00 pm | There being nothing further, Court adjourned. |