

EXHIBIT E

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

WI-LAN INC.,

Plaintiff,

v.

ALCATEL-LUCENT USA INC.;
TELEFONAKTIEBOLAGET LM
ERICSSON; ERICSSON INC.; SONY
MOBILE COMMUNICATIONS AB; SONY
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.

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Civil Action No. 6:10-cv-521-LED

JURY TRIAL DEMANDED

**PLAINTIFF WI-LAN INC.’S FIRST AMENDED DISCLOSURE OF ASSERTED
CLAIMS AND INFRINGEMENT CONTENTIONS PURSUANT TO PR 3-1 & 3-6(a)**

Pursuant to Patent Rules 3-1 and 3-6(a), Plaintiff Wi-LAN Inc. (“Wi-LAN”) submits the following First Amended Disclosure of Asserted Claims and Infringement Contentions. This disclosure is based on publicly available information that describes or discusses relevant characteristics of the accused infringing products as well as confidential information learned through discovery from the parties to the lawsuit and third parties. Discovery remains ongoing, and Wi-LAN reserves the right to amend or supplement this disclosure based on additional information, including source code, obtained through formal discovery or other means concerning the accused products.

I. P.R. 3-1(a): Identification of Asserted Claims

Wi-LAN asserts the following four patents in this action, as shown below: U.S. Patent Nos. 6,088,326 (the “’326 patent”); 6,195,327 (the “’327 patent”); 6,222,819 (the “’819 patent”); and 6,381,211 (the “’211 patent”) (collectively, the “Asserted Patents”).

A. Defendant Alcatel-Lucent USA Inc. (“Alcatel-Lucent”)

Alcatel-Lucent infringes the following patent claims:

- The ’326 Patent: claims 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10;
- The ’327 Patent: claims 1, 2, 5, 6, 8, 10, 11, 12, 13, 15, 17, and 19; and
- The ’819 Patent: claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17.

Wi-LAN reserves the right to amend or supplement these disclosures in the event that discovery, including inspection of source code and other technical documents relating to Alcatel-Lucent’s Accused Instrumentalities, reveals additional evidence of infringement or that Alcatel-Lucent infringes additional claims of the Asserted Patents.

B. Defendants Telefonaktiebolaget LM Ericsson and Ericsson Inc. (collectively, “Ericsson”)

Ericsson infringes the following patent claims:

- The '326 Patent: claims 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10;
- The '327 Patent: claims 1, 2, 5, 6, 8, 10, 11, 12, 13, 15, 17, and 19; and
- The '819 Patent: claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17.

Wi-LAN reserves the right to amend or supplement these disclosures in the event that discovery, including inspection of source code and other technical documents relating to Ericsson's Accused Instrumentalities, reveals additional evidence of infringement or that Ericsson infringes additional claims of the Asserted Patents.

C. Defendants Sony Mobile Communications AB and Sony Mobile Communications (USA) Inc. (collectively, "Sony Mobile")

Sony Mobile infringes the following patent claims:

- The '819 Patent: claims 12, 13, 14, 15, 16, 17, 21, and 22; and
- The '211 Patent: claims 1, 2, 3, 4, and 5.

Wi-LAN reserves the right to amend or supplement these disclosures in the event that discovery, including inspection of source code and other technical documents relating to Sony Mobile's Accused Instrumentalities, reveals additional evidence of infringement or that Sony Mobile infringes additional claims of the Asserted Patents.

D. Defendants HTC Corporation, HTC America, Inc., and Exedea Inc. (collectively, "HTC")

HTC infringes the following patent claims:

- The '819 Patent: claims 12, 13, 14, 15, 16, 17, 21, and 22; and
- The '211 Patent: claims 1, 2, 3, 4, and 5.

Wi-LAN reserves the right to amend or supplement these disclosures in the event that discovery, including inspection of source code and other technical documents relating to HTC's

Accused Instrumentalities, reveals additional evidence of infringement or that HTC infringes additional claims of the Asserted Patents.

II. P.R. 3-1(b): Accused Instrumentalities

The following Accused Instrumentalities infringe the asserted claims, as noted above.

A. Alcatel-Lucent

Products marketed by Alcatel-Lucent as complying with at least 3GPP rel. 5, et seq., HSDPA, HSUPA, or HSPA, including the following product lines: 9300 W-CDMA Node B Products; 9311 Macro Node B; 9326 Digital 2U Base Band Unit; 9360 Small Cell; 9926 Digital 2U Node B; 9764 Metro Cell; 9362 Enterprise Cell 2100; 9362 Enterprise Cell; 9361 Home Cell; 9363 Metro Cell Indoor; 9364 Metro Cell Outdoor; and all other products which are reasonably similar in structure and/or operation.

B. Ericsson

Products marketed by Ericsson as complying with at least 3GPP rel. 5, et seq., HSDPA, HSUPA, or HSPA, including the following product lines: RBS-3000; RBS-6000; W30; W35; W37; W40; L21; and all other products which are reasonably similar in structure and/or operation.

C. Sony Mobile

Products marketed by Sony-Ericsson as complying with at least 3GPP rel. 5, et seq., HSDPA, HSUPA, or HSPA, including the following product lines: Vivaz, Xperia X10, Equinox, W518a, Satio, Xperia X2a, Xperia Pureness, Aino, Naite, Xperia Play 4G, Live with Walkman, Xperia pro, Xperia neo V, Xperia active, Xperia arc, Xperia ray, Xperia mini, Xperia mini pro, Aspen, Cedar, G705a, T707, Vivaz Pro, W508, Xperia arc S, Xperia ion, Xperia neo, Xperia Play, Xperia X10 mini, Xperia XI0 mini pro, Xperia X8, Yari, and all other products which are reasonably similar in structure and/or operation.

D. HTC

Products marketed by HTC as complying with at least 3GPP rel. 5, et seq., HSDPA, HSUPA, or HSPA, including the following product lines: Aria; HD2; Imagio; Pure; Tilt 2; Touch Cruise; G1; G2; myTouch 3G; myTouch 3G Slide; Dash 3G; Freestyle; Inspire 4G; Surround; myTouch 4G; Touch Pro2; Amaze 4G; Evo Design 4G; HD7; HD7S; Hero S; myTouch 4G Slide; One S; Radar; Radar 4G; Sensation; Status; Titan; Vivid; Wildfire S; One X; Touch Diamond2; Legend; Desire; Titan II; Sensation 4G; Shift; Jetstream; and all other products which are reasonably similar in structure and/or operation.

III. P.R. 3-1(c): Claim Charts

Attached hereto are the following Appendices, each of which includes claim charts identifying where each limitation of each asserted claim is found within the relevant Defendants'

Accused Instrumentalities:

Appendix	Defendant
A	Alcatel-Lucent
B	Ericsson
C	Sony Mobile
D	HTC

Wi-LAN's analysis of Defendants' Accused Instrumentalities is based upon the information that has been made publicly available by Defendants, Wi-LAN's own investigation of such publicly-available information, and documents and source code produced by Defendants. Discovery remains ongoing, with documents, technical fact witness testimony, and key portions of source code used by the Accused Instrumentalities still yet to be produced. Plaintiff therefore reserves the right to amend or supplement this disclosure for any allowable reason following the discovery of additional confidential information, including source code.

IV. P.R. 3-1(d): Literal Infringement and Doctrine of Equivalents

Wi-LAN alleges that Defendants literally infringe all claims identified above and in the accompanying infringement charts. To the extent any differences are alleged to exist between the above-identified claims and Defendants' infringing products, such differences are insubstantial. As such, Defendants infringe under the doctrine of equivalents. Wi-LAN reserves the right to amend or supplement this disclosure for any allowable reason, including based on Defendants' disclosure of source code used by the Accused Instrumentalities and the production of other non-public technical documentation concerning the Accused Instrumentalities.

V. P.R. 3-1(e): Priority Dates

The priority for each claim of the Asserted Patents is provided below:

U.S. Patent No. 6,088,326 claims priority to an earlier-filed foreign application: United Kingdom patent application no. 9626567, filed on December 20, 1996. The asserted claims of this patent were invented at least as early as October 6, 1995 and, therefore, are entitled to the priority date of October 6, 1995. *See* Wi-LAN's First Amended Response to Defendants' Common Interrogatory No. 1.

U.S. Patent No. 6,195,327 claims priority to an earlier-filed foreign application: United Kingdom patent application no. 9626568, filed on December 20, 1996. The asserted claims of this patent were invented at least as early as October 6, 1995 and, therefore, are entitled to the priority date of October 6, 1995. *See* Wi-LAN's First Amended Response to Defendants' Common Interrogatory No. 1.

U.S. Patent No. 6,222,819 claims priority to an earlier-filed foreign application: United Kingdom patent application no. 9626566, filed on December 20, 1996. The asserted claims of this patent were invented at least as early as October 6, 1995 and, therefore, are entitled to the priority date of October 6, 1995. *See* Wi-LAN's First Amended Response to Defendants' Common Interrogatory No. 1.

U.S. Patent No. 6,381,211 claims priority to an earlier-filed foreign application: United Kingdom patent application no. 9626567, filed on December 20, 1996. The asserted claims of this patent were invented at least as early as October 6, 1995 and, therefore, are entitled to the priority date of October 6, 1995. *See* Wi-LAN's First Amended Response to Defendants' Common Interrogatory No. 1.

VI. P.R. 3-1(f): Reliance on Own Product or Service

Wi-LAN does not intend to “rely, for any purpose, on the assertion that its own apparatus, product, device, process, method, act, or other instrumentality practices the claimed invention.”

VII. Software or Source Code Limitations

Several limitations of the Asserted Claims likely are performed (in whole or in part) by software or source code, and Defendants do not make public the software or source code or other technical documents or specifications concerning the software or source code used by their Accused Instrumentalities. Discovery remains ongoing, in which key portions of software or source code used by the Accused Instrumentalities has yet to be produced. Accordingly, Wi-LAN has complied with P.R. 3-1 and P.R. 3-6 without the benefit of discovery of such confidential information. Wi-LAN reserves all rights to supplement, amend, or revise these Disclosures and the Appendices to this document subsequent to production of all relevant software or source code and/or other non-public technical information.

Dated: June 14, 2012

Respectfully submitted,

By: /s/ David B. Weaver

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was served on all counsel of record on the 14th day of June, 2012 by email and/or fax.

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