

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

WI-LAN INC.,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No. 6:10-cv-521-LED
	§	
ALCATEL-LUCENT USA INC.; <i>et al.</i>	§	JURY TRIAL DEMANDED
	§	
Defendants.	§	
	§	

---

**JOINT MOTION TO AMEND DOCKET CONTROL ORDER**

Plaintiff Wi-LAN Inc. (“Wi-LAN”) and Defendants Alcatel-Lucent USA Inc., Telefonaktiebolaget LM Ericsson, Ericsson Inc., Sony Mobile Communications AB, Sony Mobile Communications (USA) Inc., HTC Corporation, HTC America, Inc., and Exedea Inc. jointly move the Court to amend the Docket Control Order (Dkt. No. 99, as amended by Dkt. Nos. 216, 226 and 232) and would respectfully show the following:

Defendant Alcatel-Lucent and Wi-LAN have agreed to extend the date for Alcatel-Lucent’s responsive expert report concerning infringement to October 26, 2012. Wi-LAN has agreed to extend the date for all Defendants’ expert reports on damages to November 2, 2012. Further, all Defendants and Wi-LAN have agreed to (a) extend the date for Wi-LAN’s responsive expert report concerning validity to October 26, 2012 and (b) extend the time to complete expert discovery to November 30, 2012.

The proposed modifications are necessary to permit the parties to incorporate discovery into expert reports and to permit completion of expert discovery following service of expert reports. With the exception of dates above, all other dates currently specified by the Docket Control Order would remain unchanged, with the relevant pre-trial and trial dates

unaffected. Accordingly, the parties respectfully request that the Court enter the attached proposed Order effecting the above modifications.

Dated: October 17, 2012

Respectfully submitted,

/s/ (with permission)

Gregory S. Arovas (*pro hac vice*)  
Robert A. Appleby (*pro hac vice*)  
Akshay S. Deoras (*pro hac vice*)  
Jeanne M. Heffernan (*pro hac vice*)  
KIRKLAND & ELLIS LLP  
601 Lexington Avenue  
New York, NY 10022  
Tel: (212) 446-4800  
Fax: (212) 446-4900  
[Alcatel-Lucent-Wi-LAN-Defense@kirkland.com](mailto:Alcatel-Lucent-Wi-LAN-Defense@kirkland.com)

**Local Counsel**

Michael E. Jones (TX Bar No. 10929400)  
Allen F. Gardner (TX Bar No. 24043679)  
John F. Bufe (TX Bar No. 03316930)  
POTTER MINTON PC  
110 N. College, Suite 500  
P.O. Box 359  
Tyler, TX 75710-0359  
Tel: (903) 597-8311  
Fax: (903) 593-0846  
[mikejones@potterminton.com](mailto:mikejones@potterminton.com)  
[allengardner@potterminton.com](mailto:allengardner@potterminton.com)  
[johnbufe@potterminton.com](mailto:johnbufe@potterminton.com)

*Attorneys for Defendant Alcatel-Lucent USA Inc.*

/s/ (with permission)

Bruce S. Sostek (TX Bar 18855700)  
Lead Attorney  
Richard L. Wynne, Jr. (TX Bar 24003214)  
Matthew P. Harper (TX Bar 24037777)

By: /s/ Eric H. Findlay

Stephen S. Korniczky (*pro hac vice*)  
Martin R. Bader (*pro hac vice*)  
Daniel N. Yannuzzi (*pro hac vice*)  
Lee Hsu (*pro hac vice*)  
Graham M. Buccigross (*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  
[LegalTm-WiLAN-Alcatel-@sheppardmullin.com](mailto:LegalTm-WiLAN-Alcatel-@sheppardmullin.com)

**Local Counsel**

Eric Hugh Findlay (TX Bar No. 00789886)  
Brian Craft (TX Bar No. 04972020)  
FINDLAY CRAFT  
6760 Old Jacksonville Hwy, Suite 101  
Tyler, TX 75703  
Tel: (903) 534-1100  
Fax: (903) 534-1137  
[efindlay@findlaycraft.com](mailto:efindlay@findlaycraft.com)  
[bcraft@findlaycraft.com](mailto:bcraft@findlaycraft.com)

*Attorneys for Defendants HTC Corporation, HTC America Inc., and Exeda Inc.*

THOMPSON KNIGHT LLP  
1722 Routh Street, Suite 1500  
Dallas, TX 75201  
Tel: (214) 969-1700  
Fax: (214) 969-1751  
[Bruce.Sostek@tklaw.com](mailto:Bruce.Sostek@tklaw.com)  
[Richard.Wynne@tklaw.com](mailto:Richard.Wynne@tklaw.com)  
[Matt.Harper@tklaw.com](mailto:Matt.Harper@tklaw.com)  
[Ericsson-WI-LAN-Defense@tklaw.com](mailto:Ericsson-WI-LAN-Defense@tklaw.com)

**Local Counsel**

Jennifer Ainsworth (TX Bar 00784720)  
Wilson Robertson & Cornelius PC  
909 ESE Loop 323, Suite 400  
P.O. Box 7339  
Tyler, TX 75711-7339  
Tel: (903) 509-5000  
Fax: (903) 509-5092  
[jainsworth@wilsonlawfirm.com](mailto:jainsworth@wilsonlawfirm.com)

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

/s/ (with permission)

David B. Weaver (TX Bar No. 00798576)  
*Lead Attorney*  
Avelyn M. Ross (TX Bar No. 24027817)  
Ajeet P. Pai (TX Bar No. 24060376)  
Syed K. Fareed (TX Bar No. 24065216)  
Jeffrey T. Han (TX Bar No. 24069870)  
Janice Ta (TX Bar No. 24075138)  
Seth A. Lindner (TX Bar No. 24078862)  
Vinson & Elkins LLP  
2801 Via Fortuna, Suite 100  
Austin, TX 78746  
Tel: (512) 542-8400  
Fax: (512) 236-3476  
[dweaver@velaw.com](mailto:dweaver@velaw.com)  
[aross@velaw.com](mailto:aross@velaw.com)  
[apai@velaw.com](mailto:apai@velaw.com)  
[sfareed@velaw.com](mailto:sfareed@velaw.com)  
[jhan@velaw.com](mailto:jhan@velaw.com)  
[jta@velaw.com](mailto:jta@velaw.com)  
[slindner@velaw.com](mailto:slindner@velaw.com)

Chuck P. Ebertin  
California Bar No. 161374  
VINSON & ELKINS LLP  
525 University Avenue, Suite 410  
Palo Alto, CA 94301-1918  
Tel: (650) 687-8204  
Fax: (650) 618-8508  
[cebertain@velaw.com](mailto:cebertain@velaw.com)

Steve R. Borgman (TX Bar No. 02670300)  
VINSON & ELKINS LLP  
1001 Fannin Street, Suite 2500  
Houston, TX 77002-6760  
Tel: (713) 758-2222  
Fax: (713) 758-2346  
[sborgman@velaw.com](mailto:sborgman@velaw.com)

**Local Counsel**

Johnny Ward (TX Bar No. 00794818)  
Wesley Hill (TX Bar No. 24032294)  
WARD & SMITH LAW FIRM  
111 W. Tyler Street  
Longview, TX 75601  
Tel: (903) 757-6400  
Fax: (903) 757-2323  
[jw@jwfirm.com](mailto:jw@jwfirm.com)  
[wh@jwfirm.com](mailto:wh@jwfirm.com)

*Attorneys for Plaintiff, Wi-LAN Inc.*

**CERTIFICATE OF CONFERENCE**

The undersigned certifies that Plaintiff HTC Corporation has complied with the requirements of Local Rule CV-7(h), and no party opposes the relief sought herein.

/s/ Martin R. Bader

\_\_\_\_\_  
Martin R. Bader

**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, on October 17, 2012.

/s/ Eric H. Findlay

\_\_\_\_\_  
Eric H. Findlay