

**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.	§	
	§	

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**DECLARATION OF SYED K. FAREED IN SUPPORT OF  
WI-LAN'S RESPONSE TO DEFENDANTS' MOTION FOR LEAVE  
TO FILE LETTER BRIEFS**

I, Syed Fareed, declare as follows:

1. I am over the age of 21 and am competent to give the testimony contained in this Declaration. Except where stated upon information and belief, the facts set forth in this Declaration are within my personal knowledge and are true and correct.

2. I am an attorney at the law firm of Vinson & Elkins LLP, counsel for Plaintiff Wi-LAN Inc. ("Wi-LAN") in this action. I am admitted to practice in the Eastern District of Texas.

3. On September 21, 2012, Wi-LAN served its opening expert report regarding infringement, and Defendants served their opening expert report regarding invalidity. On October 3, 2012, Wi-LAN served its opening expert report regarding damages. On October 5, 2012, Wi-LAN served a supplemental expert report regarding infringement.

4. On November 20, 2012, counsel for Wi-LAN and Defendants conferred by telephone regarding expert depositions. At the end of the meet-and-confer, Defendants for the first time

informed Wi-LAN that they intended to file letter briefs regarding summary judgment and *Daubert* motions.

5. Attached as Exhibit A is a true and correct copy of a proposed revised Docket Control Order Defendants sent Wi-LAN on November 26, 2012.

6. On November 30, 2012, counsel for Wi-LAN and Defendants conferred by telephone. Wi-LAN explained that it was unable to accept Defendants' proposal because (among other reasons) it would unduly compress the pre-trial schedule and because Wi-LAN had relied upon the dispositive motion dates contained in the Court's Docket Control Order.

7. On November 30, 2012, counsel for Wi-LAN and Defendants conferred by telephone. Wi-LAN asked Defendants whether the rebuttal report of Dr. Jonathan Wells regarding the validity of the asserted patents, served on November 2, 2012, was the basis for their contention that their untimely letter briefs should be permitted, and offered to discuss that matter specifically if so. Defendants did not engage the issue.

Pursuant to 18 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on this 27th day of December, 2012.

/s/ Syed K. Fareed  
Syed K. Fareed