

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

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

**PLAINTIFF WI-LAN’S MOTION TO STRIKE
DEFENDANTS’ LETTER BRIEFS**

On December 7, 2012, Defendants filed a Motion for Leave to File Two Letter Briefs Requesting Permission to File Certain Motions. (Dkt. No. 277.) In spite of the requirements of Local Rule CV-7(k), Defendants failed to file the two Letter Briefs that were the subject of their Motion for Leave at that time. Instead, Defendants apparently filed those required Letter Briefs on December 14, 2012 and January 4, 2013, long after the deadline and without noting that the Letter Briefs were the subject of a pending Motion for Leave. (Dkt. Nos. 280, 287.)

Although Wi-LAN believes that under Local Rule CV-7(k) no further response to Defendants’ untimely and improper Letter Briefs is required unless and until the Court grants Defendants’ Motion for Leave, out of an abundance of caution, Wi-LAN respectfully requests that the Court strike Defendants’ Letter Briefs for the reasons set forth in its Opposition to Defendants’ Motion for Leave. (Dkt. No. 285.)

Dated: January 7, 2013

Respectfully submitted,

By: /s/ Syed K. Fareed

Local Counsel

Johnny Ward (TX Bar No. 00794818)
Wesley Hill (TX Bar No. 24032294)
WARD & SMITH LAW FIRM
P.O. Box 1231
1127 Judson Rd., Ste. 220
Longview, TX 75606-1231
Tel: (903) 757-6400
Fax: (903) 757-2323
jw@jwfirm.com
wh@jwfirm.com

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) 542-8612
dweaver@velaw.com
aross@velaw.com
apai@velaw.com
sfareed@velaw.com
jhan@velaw.com
jta@velaw.com
slindner@velaw.com

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

Wi-LAN@velaw.com

Attorneys for Plaintiff, Wi-LAN Inc.

CERTIFICATE OF CONFERENCE

The undersigned certifies that Plaintiff Wi-LAN Inc. has complied with the requirements of Local Rule CV-7(h). Specifically, counsel for the parties discussed the substance of Defendants' Motion for Leave to File Two Letter Briefs (Dkt. No. 277) via e-mail and during several telephonic conferences. Counsel for Wi-LAN and the Defendants were unable to reach agreement with regards to the issues included in Defendants' Motion for Leave. Accordingly, impasse has been reached with regards to those issues (which are the same matters at issue in this Motion), leaving an open issue for the Court to resolve.

/s/ Syed K. Fareed

Syed K. Fareed

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). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d) and (e), 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 January, 2013.

/s/ Syed K. Fareed

Syed K. Fareed