

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

DATE: February 26, 2013

LEONARD DAVIS
Judge Presiding

Law Clerk: Josue Caballero
Chief Staff Attorney: Nicole Mitchell

Court Reporter: Shea Sloan
Judicial Assistant: Carrie King

WI-LAN INC. V. ALCATEL-LUCENT USA INC. ET AL	CIVIL ACTION NO: 6:10cv521 MOTION HEARING
ATTORNEYS FOR PLAINTIFF	ATTORNEYS FOR DEFENDANTS
SEE SIGN-IN SHEETS	

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

OPEN: 1:45 PM

ADJOURN: 3:15 PM

TIME:	MINUTES:
1:45 PM	Case called. PARTIES ANNOUNCED READY. (SEE SIGN-IN SHEETS)
	Bill Cornelius for Defendants discussed order of proceedings and requested to begin with Motion for Clarification. Counsel for Plaintiff did not object. Court agreed.
	Michael Heinlen presented arguments on behalf of all Defendants on Docket No. 305 Defendants' Sealed Motion for Clarification of the Construction of a Single Term in the Court's Claim-Construction Order . Steve Borgman presented arguments for Plaintiff. Mr. Heinlen responded. Mr. Borgman responded. Court requested clarification on argument. Mr. Heinlen responded. Mr. Borgman presented further arguments. Richard Wynne made additional arguments for Defendants. Mr. Borgman responded. Court inquired as to fact issue / claim construction issue. Mr. Heinlen responded.
	Court requested arguments on letter briefs. Docket No. 277 Motion for Leave to File Two Letter Briefs Requesting Permission to File Certain Motions by Exedea INC., HTC America, Inc., HTC Corporation and Docket No. 288 Motion to Strike 277 Motion for Leave to File Two Letter Briefs Requesting Permission to File Certain Motions and Request to Strike Defendants Letter Briefs filed under Dkt. 280 and 287 by WI-LAN Inc.
	Court inquired as to arguments on damages and <i>Daubert</i> motion. Robert Appleby responded and presented arguments for Defendant Alcatel Lucent. David Weaver responded for Plaintiff. Court granted motion for leave to file <i>Daubert</i> motion.
	Court advised will rule on other letter brief issues soon.
	Court requested arguments on Docket No. 240 Sealed Patent Motion to Compel Production of Internal Communications and Documents Withheld by Wi-Lan, Inc. on the Ground of Attorney-Client Privilege by Exedea INC., HTC America, Inc., HTC Corporation . Steve Korniczky presented arguments for Defendants. Ajeet Pai presented

TIME:	MINUTES:
	arguments for Plaintiff. Court addressed the parties and it will allow HTC to identify 80 documents by Thursday at noon. Plaintiff will have until Monday at 9:00 AM to present for documents for in camera inspection with objections and provide Defendant with a copy of those objections. Court will review the documents and make a ruling.
	Court inquired regarding an agreement on Docket No. 275 <i>Sealed Motion for Leave to Supplement the Ericsson and Sony Mobile Defendants' Summary-Judgment Briefing by Ericsson Inc., Sony Mobile Communications (USA) Inc., Sony Mobile Communications AB, Telefonaktiebolaget LM Ericsson</i> . Mr. Weaver and Mr. Sostek responded that the parties have reached an agreement. Court denied the motion as moot.
	Court inquired regarding an agreement on Docket No. 255 <i>Sealed Motion to Compel by Ericsson Inc., Sony Mobile Communications (USA) Inc., Sony Mobile Communications AB, Telefonaktiebolaget LM Ericsson</i> . Mr. Weaver and Mr. Sostek responded that the parties have reached an agreement. Court denied the motion as moot.
	Court requested arguments on Docket No. 306 <i>Motion to Sever and Memorandum In Support by Exedea and HTC Defendants</i> . Mr. Weaver presented arguments for Plaintiff. Court inquired as to agreements by the parties. Mr. Weaver and Mr. Sostek responded. Court addressed the parties regarding question of law or fact. Mr. Sostek responded that Defendants cannot agree. Mr. Weaver responded. Mr. Sostek responded. Court advised it will resolve as a matter of law if it can. Court inquired as to fact issues; Court and parties discussed. Court requested arguments from HTC. Eric Findley responded for HTC. Court discussed trial options and requested responses from other Defendants. Mr. Sostek and Mr. Appleby responded. Court made additional proposals and requested the parties confer as to trial procedure.
2:53 PM	Court in recess.
3:02 PM	Court resumed.
	Court advised parties regarding the docket and Jury Selection on April 1, 2013; advised the parties to be prepared to go to trial anytime in April; discussed briefing schedule for summary judgment motions and requested that all briefing be completed by March 14, 2013.
	Court inquired regarding mediator. Mr. Wynne and Mr. Weaver responded.
3:18 PM	There being nothing further, Court adjourned.