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
	§ Civil Action No. 6:13-cv-252-LED
v.	§ CONSOLIDATED CASES
	§
ALCATEL-LUCENT USA INC.; et al.	§ JURY TRIAL DEMANDED
	§
Defendants.	§
	§

JOINT NOTICE REGARDING PRE-TRIAL SCHEDULE AND DOCKET CONTROL ORDER

Pursuant to the Court's Order dated March 25, 2013 (Dkt. No. 373), 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. ("Defendants") respectfully advise the Court as follows regarding whether additional discovery, or supplementation to the previously filed motions, is necessary in light of the documents recently produced:

The parties have met and conferred regarding a revised pre-trial schedule and will continue to meet and confer regarding what depositions, if any, will be taken following Defendants' review of Wi-LAN's supplemental document production.¹ The parties agree that the following schedule should govern any depositions taken regarding that supplemental

¹ Defendants have identified certain depositions which they believe may be necessary. Wi-LAN believes that

identification of witnesses is premature. The parties will continue to meet and confer in good faith to complete necessary discovery, if any, expeditiously according to the schedule set forth below.

production and that supplemental briefing regarding Defendants' existing summary judgment motion and *Daubert* motion, if any, as well as amendments to pre-trial disclosures relating to Wi-LAN's supplemental document production, if any, should take place according to the schedule and subject to the page limits as set forth below. The parties do not intend to supplement the fully briefed Cross-Motions for Summary Judgment (Case No. 6:10-cv-521, Dkt. Nos. 171, 172, 181, 276, and 352) currently set for hearing on May 3, 2013.

May 3, 2013	Hearing on Wi-LAN, Ericsson, and Sony Mobile's Cross-Motions for Summary Judgment (Case No. 6:10-cv-521, Dkt. Nos. 171, 172, 181, 276, and 352) at 9:30 a.m. at the United States District Court, 211 West Ferguson, 3rd Floor, Courtroom of Judge Leonard Davis, Tyler, Texas.
May 17, 2013	Deadline for Supplemental Fact Discovery, if any, in light of Wi-LAN's recently produced documents.
May 24, 2013	Defendants' amended/supplemental trial exhibit lists in light of Wi-LAN's recently produced documents due. Defendants' Supplemental Video and Stenographic Deposition Designations for depositions taken after March 19, 2013, due. Each Defendant who proposes to offer deposition testimony shall file a disclosure identifying the line and page numbers to be offered.
May 31, 2013	Wi-LAN's Rebuttal Designations and Objections to Supplemental Deposition Designations due. Cross examination line and page numbers to be included. In video depositions, each party is responsible for preparation of the final edited video in accordance with their parties' designations and the Court's rulings on objections. Wi-LAN's amendment/supplement to trial exhibit list limited to any issues raised by any exhibits or designations added in Defendants' amended/supplemental trial exhibit list or amended/supplemental deposition designations. Wi-LAN's objections to Defendants' amended/supplemental trial exhibit lists due.
May 31, 2013	Defendants' Supplements to existing Summary Judgment Motion and <i>Daubert</i> Motion, if necessary. Supplements shall be no more than 5 pages each.

June 3, 2013	Parties' Supplements to Existing Motions in Limine, if necessary, due. Supplements shall be no more than 5 pages each. The parties are directed to confer and advise the Court on or before 3:00 o'clock p.m. the day before the pre-trial conference which Motions in Limine are agreed to and which need to be addressed at the pre-trial conference.
June 7, 2013	Defendants' Objections to Wi-LAN's Rebuttal Designations to Supplemental Deposition Designations due. Defendants' objections to Wi-LAN's amended/supplemental trial exhibit list due.
June 14, 2013	Responses, if necessary, to Supplements to existing Summary Judgment Motion, <i>Daubert</i> Motion, and Motions in Limine due. Responses shall be no more than 5 pages each.
June 25, 2013	9:00 a.m. PRETRIAL CONFERENCE at the United States District Court, 211 W. Ferguson, 3rd Floor, Courtroom of Judge Leonard Davis, Tyler, Texas. All pending motions will be heard. Lead trial counsel must attend the pretrial conference.
July 1, 2013	9:00 a.m. JURY SELECTION and JURY TRIAL at the United States District Court, 211 W. Ferguson, 3rd Floor, Courtroom of Judge Leonard Davis, Tyler, Texas.

Respectfully submitted,

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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, on this the 5th day of April, 2013.

By: <u>/s/Ajeet P. Pai</u> Ajeet P. Pai