

Exhibit D

From: [Pai, Ajeet](mailto:Pai.Ajeet)
To: [Wynne, Richard L.; "Alcatel-Lucent-Wi-LAN-Defense@kirkland.com"; "LegalTm-WiLAN-Alcatel@sheppardmullin.com"; Ericsson: WI LAN Defense: "WC@WilsonLawFirm.com"](mailto:Wynne.Richard.L.; 'Alcatel-Lucent-Wi-LAN-Defense@kirkland.com'; 'LegalTm-WiLAN-Alcatel@sheppardmullin.com'; Ericsson: WI LAN Defense: 'WC@WilsonLawFirm.com')
Cc: [Wi-LAN; "wh@wsfirm.com"](mailto:Wi-LAN; 'wh@wsfirm.com')
Subject: Re: Wi-LAN v. Alcatel-Lucent et al. -- Meet and Confer on Defendants' Expedited Motion
Date: Wednesday, April 17, 2013 10:45:33 AM

Rich,

In order to accommodate Defendants' desire for an expedited schedule, Wi-LAN proposed a reasonable schedule that would have framed the issue for the Court in advance of the May 3 hearing. Defendants rejected this proposal and instead suggest that either Wi-LAN alone forgo its right to a further brief or prejudicially be forced to respond to Defendants' further briefing immediately before a summary judgment hearing.

Wi-LAN cannot agree to such terms. To the extent Defendants wish to expedite briefing, Wi-LAN's original compromise proposal stands.

--

Ajeet Pai
Vinson & Elkins LLP
(512) 542-8798

From: Wynne, Richard L. [mailto:Richard.Wynne@tklaw.com]
Sent: Wednesday, April 17, 2013 10:08 AM
To: Pai, Ajeet; 'Alcatel-Lucent-Wi-LAN-Defense@kirkland.com' <Alcatel-Lucent-Wi-LAN-Defense@kirkland.com>; 'LegalTm-WiLAN-Alcatel@sheppardmullin.com' <LegalTm-WiLAN-Alcatel@sheppardmullin.com>; Ericsson: WI LAN Defense <Ericsson-WI-LAN-Defense@tklaw.com>; 'William Cornelius (WC@WilsonLawFirm.com)' <WC@WilsonLawFirm.com>
Cc: Weaver, David; Wi-LAN
Subject: RE: Wi-LAN v. Alcatel-Lucent et al. -- Meet and Confer on Defendants' Expedited Motion

Ajeet,

Defendants intend to file their motion for expedited consideration before the Court closes this afternoon. Given the May 17th deadline, we believe that Wi-LAN should not be opposed to the motion for expedited consideration. Please let us know by noon CDT whether you will agree to our proposed compromise schedule I sent you yesterday evening.

If we do not hear from you, we understand from Mr. Weaver's comments during our meet-and-confer on Monday that Wi-LAN opposes the motion for expedited consideration.

Rich

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From: Wynne, Richard L.
Sent: Tuesday, April 16, 2013 6:33 PM
To: 'Pai, Ajeet'; 'Alcatel-Lucent-Wi-LAN-Defense@kirkland.com'; 'LegalTm-WiLAN-Alcatel@sheppardmullin.com'; Ericsson: WI LAN Defense; 'William Cornelius (WC@WilsonLawFirm.com)'
Cc: 'Weaver, David'; 'Wi-LAN'
Subject: RE: Wi-LAN v. Alcatel-Lucent et al. -- Meet and Confer on Defendants' Expedited Motion

Ajeet,

Wi-Lan bears the burden of proving its documents are privileged and that it did not waive its privilege. Thus, we will not agree to a schedule that does not provide a reply brief (ie, our only opportunity to respond to wi-lan's proof). We will agree to a schedule that has wi-lan's response on April 26 with defendants' reply on May 1.

Please confirm that this is acceptable to wi-lan.

-----Original Message-----

From: Pai, Ajeet [apai@velaw.com]
Sent: Tuesday, April 16, 2013 03:56 PM Central Standard Time
To: Wynne, Richard L.; Alcatel-Lucent-Wi-LAN-Defense@kirkland.com; LegalTm-WiLAN-Alcatel@sheppardmullin.com; Ericsson: WI LAN Defense; William Cornelius (WC@WilsonLawFirm.com)
Cc: Weaver, David; Wi-LAN
Subject: RE: Wi-LAN v. Alcatel-Lucent et al. -- Meet and Confer on Defendants' Expedited Motion

Rich,

Although we understand that Defendants wish to shorten the briefing schedule for Defendants' proposed motion in order to permit the Court to take up that motion at the May 3, 2013 hearing (if it so chooses), the schedule proposed by Defendants is unreasonably compressed. Wi-LAN is willing to agree to the following schedule as a compromise in order to accommodate Defendants' desire to expedite the Court's consideration of their motion:

- Defendants file motion: April 16
- Plaintiff files response: April 26 (ten days later).
- No reply or sur-reply filed.

Wi-LAN would be unduly prejudiced by, and cannot agree to, a schedule which has briefing continuing during the week before the May 3 summary judgment hearing.

Please confirm that Defendants agree to the schedule proposed above.

Ajeet Pai

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From: Wynne, Richard L. [<mailto:Richard.Wynne@tklaw.com>]
Sent: Monday, April 15, 2013 4:30 PM
To: Weaver, David; Wi-LAN; wh@wsfirm.com; jw@wsfirm.com; Alcatel-Lucent-Wi-LAN-Defense@kirkland.com; LegalTm-WiLAN-Alcatel@sheppardmullin.com
Cc: Ericsson: WI LAN Defense; William Cornelius (WC@WilsonLawFirm.com)
Subject: RE: Wi-LAN v. Alcatel-Lucent et al. -- Meet and Confer on Defendants' Expedited Motion to Enforce the Court's Order

David,

Further to our call this afternoon, Defendants propose the following briefing schedule for the Defendants' motion to enforce the Court's order and to reject Plaintiff's clawback request:

Ds File: April 16
P Response: April 23
Ds Reply: April 26
P Sur-Reply: April 30 (or May 1)

We would propose that, to the extent that it is consistent with the Court's schedule and the Court wishes to entertain argument on the motion, it be heard on May 3rd, when the pending PCRA-related summary-judgment motions are set for hearing. For that reason, we believe that it might be more appropriate for Wi-LAN to serve the sur-reply on April 30th rather than May 1st, but Defendants are not opposed if Wi-LAN needs until May 1st to file the surreply under this schedule.

Please let us know whether Wi-LAN is opposed to a motion to expedite the briefing according to this schedule.

Rich

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Thank You.
