

FILED CLERK
U.S. DISTRICT COURT
2010 NOV -3 PM 3:25
TEXAS EASTERN

WAIVER OF SERVICE OF SUMMONS

BY _____

TO: David B. Weaver, attorney of record for Plaintiff WI-LAN INC.

I, Stephen S. Korniczky, attorney for HTC CORPORATION, acknowledge receipt of your request that I waive service of summons in the action of *Wi-LAN Inc. v. Alcatel-Lucent USA Inc., et al.*, which is case number 6:10-cv-00521-LED in the United States District Court for the Eastern District of Texas, Tyler Division.

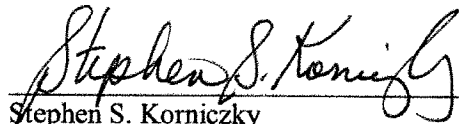
On behalf of HTC CORPORATION, I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to HTC CORPORATION.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that they be served with judicial process in the manner provided by Rule 4.

HTC CORPORATION will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against HTC CORPORATION if an answer or motion under Rule 12 is not served upon WI-LAN INC. by January 3, 2011.

Dated: 11-1-10


Stephen S. Korniczky
Sheppard Mullin Richter & Hampton LLP
12275 El Camino Real
Suite 200
San Diego, CA 92130
Tel: 858.720.7443
Fax: 858.720.4882

Attorney for HTC Corporation, HTC America, and Exede Inc.

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

“Good cause” does not include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant’s property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.