

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

**DATE:** June 25, 2013

**LEONARD DAVIS**  
**Judge Presiding**

Law Clerk: Josue Caballero  
Chief Staff Attorney: Nicole Mitchell

Court Reporter: Shea Sloan  
Courtroom Deputy: Rosa Ferguson

<b>WI-LAN, INC.</b>  <b>V.</b>  <b>ALCATEL-LUCENT USA, INC., ET AL.</b>	<b>CIVIL ACTION NO: 6:10cv521</b> <b>PRETRIAL CONFERENCE</b>
<b>WI-LAN, INC.</b>  <b>V.</b>  <b>HTC CORPORATION, ET AL.</b>	<b>CIVIL ACTION NO: 6:13cv252</b> <b>PRETRIAL CONFERENCE</b>
<b>ATTORNEYS FOR PLAINTIFF</b>	<b>ATTORNEYS FOR DEFENDANTS</b>
<b>SEE SIGN-IN SHEETS</b>	

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

**OPEN: 9:00 AM**

**ADJOURN: 11:55 AM**

<b>TIME:</b>	<b>MINUTES:</b>
9:00 AM	Case called. Parties announced ready.
	Court addressed the parties on the pretrial matters. Court will begin with <b>Alcatel-Lucent and HTC's Motion for Summary Judgment on Invalidity of Claims 1, 3, and 4 of Patents '326 and '211 (Dkt #347).</b>
	Mr. Arovas addressed the Court on reduction on number of claims and the MSJ is now moot.
	As to Docket No. 347, Court denied as moot. Court will move on to the <i>Daubert</i> Motion re Damages.
	Ms. Heffernan presented <b>Alcatel-Lucent, HTC and Son Mobile's Daubert Motion to Exclude the Report and Testimony of John C. Jarosz Regarding Issues Related to Damages (Dkt #337).</b>
	Ms. Samora responded as to the entire market value rule portion of the <i>Daubert</i> Motion.
	Ms. Heffernan replied and continued to present argument on <i>Daubert</i> Motion. Mr. Weaver

TIME:	MINUTES:
	addressed the Court on sealing the courtroom on the license. Court sealed the courtroom.
10:00 am	<b>SEALED PROCEEDINGS.</b> Court addressed the parties regarding concerns on redacted and sealed court proceedings.
	Ms. Heffernan continued her argument. Ms. Samora responded as to the license. Ms. Heffernan replied. Ms. Samora further replied.
10:10 am	<b>Court UNSEALED the courtroom.</b>
	Ms. Heffernan continued her presentation of Motion and discussed <b>Defendants' MIL No. 3 (None-Comparable Licenses) [Dkt #354].</b>
	Mr. Pai responded
10:25 am	Court in recess for 10 minutes.
10:35 am	Hearing resumed.
	Ms. Heffernan continued her argument on the <i>Daubert</i> Motion.
	Mr. Pai responded. Court inquired as to damages from each defendant based on damage module. Mr. Pai responded and gave the numbers. Mr. Weaver addressed the Court on the lump sums through trial. Mr. Pai responded as to the other numbers.
	Ms. Heffernan continued to address the Court on the second part of the <i>Daubert</i> Motion and MIL 5. Court interrupted and went back to the lump-sum calculations on world-wide sales. Ms. Heffernan responded. Mr. Pai replied as to the US revenues.
	Ms. Heffernan continued with the <i>Daubert</i> motion. Ms. Samora responded.
	Ms. Heffernan continued with the third part of the <i>Daubert</i> motion.
	Mr. Weaver responded. Ms. Heffernan replied. Mr. Weaver further responded. Ms. Heffernan further replied. Court inquired as to the marking issue. Mr. Weaver responded as to a factual issue. Ms. Heffernan responded. Mr. Weaver further responded. Mr. Arovas responded. <b>Court will take this motion under advisement.</b>
	Court addressed the parties on Motions in Limine.
	Mr. Weaver addressed the Court and the parties are working together. Court asked for the ones that the parties wanted the Court to hear. Mr. Weaver presented MIL 1. Mr. Arovas responded.
	Mr. Pai addressed the Court on MIL 5. Ms. Heffernan responded. Court inquired on the standard setting. <b>Wi-Lan's MIL 5 is denied.</b>
	Mr. Hill addressed the Court on MIL 8 and 9. Mr. Arovas responded. Mr. Hill replied. <b>Court denied as to the invalidity (MIL #8).</b> Mr. Hill addressed the Court on MIL 9. Mr. Arovas responded. <b>Court denied MIL #9.</b>
	Ms. Heffernan addressed the Court on Defendant's MIL 1. Ms. Samora responded. <b>Court will rule at same time as Daubert Motion.</b> Ms. Heffernan further addressed the Court. Ms. Samora responded.
	Ms. Heffernan presented MIL 4 and rests on the briefs.
	Mr. Arovas addressed the Court on MIL 7 and parties to meet and confer.
	Mr. Arovas addressed the Court on trial times. Mr. Hill responded as to the trial times. Court asked about experts. Mr. Arovas responded. Mr. Hill responded.
	Court inquired as to this being a standards case. Mr. Arovas responded.
	Court addressed the parties on doing opening statements on jury selection day. Court

<b>TIME:</b>	<b>MINUTES:</b>
	addressed the parties and Court may need to work on Friday to get this case concluded.
	Court inquired as to mediation. Mr. Weaver responded.
	Mr. Hill addressed the Court on substituting a Defendants' witness on the witness list and deposing the new witness. By agreement, the Court will allow.
	Mr. Arovas addressed the Court on the Joint Agreed Jury questionnaire. Court approved.
11:55 am	There being nothing further, Court adjourned.