

**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
v.	§	
	§	JURY TRIAL DEMANDED
ALCATEL-LUCENT USA INC.; <i>et al.</i> ,	§	
	§	
Defendants.	§	
	§	

**WI-LAN’S OPPOSITION TO THE ERICSSON DEFENDANTS’ MOTION
FOR JUDGMENT AS A MATTER OF LAW**

Plaintiff Wi-LAN Inc. (“Plaintiff”) responds to the Ericsson Defendants’ Motion for Judgment as a Matter of Law (Dkt. No. 453). Although styled as motion for Judgment as a Matter of Law, the Motion actually requests a stay of entry of judgment in light of a ruling from a different district court in another case filed in Florida.

This Court has already disposed of the question of whether the Ericsson Defendants are entitled to a license to the patents-in-suit under the terms of the Patent and Conflict Resolution Agreement in favor of Wi-LAN. *See* Dkt. No. 410 at 8 (holding that “Wi-Lan is not obligated to grant Defendants such a license to the patents-in-suit.”). That ruling is the law of the case. To the extent that the Florida Court’s later decision conflicts with the prior decision of this Court, the appropriate course of action would be entry of judgment, not a stay of final judgment intended to prevent this Court’s decision from being appealed.¹

For the reasons stated herein, Wi-LAN Inc. respectfully requests that the Court deny the Ericsson Defendants’ Motion for Judgment as a Matter of Law in its entirety.

¹ Indeed, in a prior filing, Defendants have represented that that they are not “disputing the [Summary Judgment] Order” but instead were reserving their right to appeal. (*See* Dkt. No. 413 at 1.)

Dated: July 12, 2013

Respectfully submitted,

By: /s/ David B. Weaver

David B. Weaver (TX Bar 00798576)

Lead Attorney

Avelyn M. Ross (TX Bar 24027817)

Ajeet P. Pai (TX Bar 24060376)

Syed K. Fareed (TX Bar 24065216)

Jeffrey T. Han (TX Bar 24069870)

Seth A. Lindner (TX Bar 24078862)

VINSON & ELKINS LLP

2801 Via Fortuna, Suite 100

Austin, TX 78746

Tel: (512) 542-8400

Fax: (512) 236-3476

dweaver@velaw.com

aross@velaw.com

apai@velaw.com

sfareed@velaw.com

jhan@velaw.com

slindner@velaw.com

Steve R. Borgman (TX Bar 02670300)

Gwendolyn Johnson Samora

(TX Bar 00784899)

VINSON & ELKINS LLP

1001 Fannin Street, Suite 2500

Houston, TX 77002-6760

Tel: (713) 758-2222

Fax: (713) 758-2346

sborgman@velaw.com

gsamora@velaw.com

Local Counsel

Johnny Ward (TX Bar No. 00794818)

Wesley Hill (TX Bar No. 24032294)

Ward & Smith Law Firm

P.O. Box 1231

1127 Judson Rd., Ste. 220

Longview, TX 75606-1231

Tel: (903) 757-6400

Fax: (903) 757-2323

jw@jwfirm.com

wh@jwfirm.com

Attorneys for Plaintiff Wi-LAN Inc.

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 on this the 12th day of July, 2013.

/s/ David B. Weaver

David B. Weaver