



filed suit. Given that Wi-LAN dropped its claims for pre-suit damages and has acquiesced to the relief Defendants requested in its laches defense, this Court should deny Wi-LAN's motion for judgment as a matter of law on Defendants' equitable and other defenses (D.I. 455) as moot. Wi-LAN admits that it is not entitled to damages from prior to the date of the Complaint. (D.I. 455 at 3.) Defendants' equitable and other defenses are therefore moot in light of Wi-LAN dropping its claims for pre-suit damages.<sup>1</sup>

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Respectfully submitted,

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<sup>1</sup> Although Wi-LAN addresses equitable estoppel, acquiescence, and ratification in its motion, as Wi-LAN notes Defendants did not pursue these defenses in the pre-trial order. (D.I. 311.) Thus, this portion of Wi-LAN's motion is also moot.

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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) on this 14th day of July, 2013. As such, this document was served on all counsel who are deemed to have consented to electronic service.

*/s/ Akshay S. Deoras* \_\_\_\_\_

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