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9 Attorneys for SPECIALLY APPEARING  
10 DEFENDANT Wi-LAN Inc.

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION

14 ACER AMERICA CORP., APPLE INC.,  
15 DELL INC., AND GATEWAY, INC.

16 Plaintiffs,

17 v.

18 WI-LAN INC.,

19 Defendant.

Case No. C 08-CV-05624 (SI)

**STIPULATION AND [PROPOSED]  
ORDER TO EXTEND TIME TO  
RESPOND TO AMENDED COMPLAINT**

20 Subject to its special appearance, specially appearing defendant Wi-LAN Inc., by and  
21 through its counsel, requests that defendant's time to answer or otherwise plead to the complaint  
22 be extended until a date ten (10) days after Judge James Ware rules on Wi-LAN Inc.'s Motion to  
23 Dismiss for Lack of Personal Jurisdiction, Subject Matter Jurisdiction and Improper Venue, and  
24 Motion to Transfer to First Filed Forum, filed January 15, 2009, in a related declaratory  
25 judgment action styled *Intel Corp. v Wi-LAN Inc. et al*, 5:08-cv-4555 (N.D. Cal.).

26 This stipulated request is made on the grounds that the parties wish to avoid duplicative  
27 motion practice. Judge Ware's anticipated ruling in the *Intel* case will give the parties substantial  
28 guidance as to how to proceed and may eliminate the need for motion practice in the instant

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A PROFESSIONAL CORPORATION • ATTORNEYS  
NEW YORK, N.Y.



1 Dated: February 20, 2009

ORRICK HERRINGTON SUTCLIFF  
LLP

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3 By: \_\_\_\_\_ /s/

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INC.

28 STIPULATION AND [PROPOSED] ORDER TO EXTEND TIME TO RESPOND  
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1 Dated: February 20, 2009

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Attorneys for Plaintiff DELL, INC.

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1 Upon the parties' stipulation, and good cause appearing therefore, it is ORDERED that  
2 specially appearing defendant Wi-LAN Inc.'s time to answer or otherwise plead to the complaint  
3 herein is hereby extended until a date ten (10) days after this Court's ruling on Wi-LAN Inc.'s  
4 Motion to Dismiss for Lack of Personal Jurisdiction, Subject Matter Jurisdiction and Improper  
5 Venue and Motion to Transfer to First Filed Forum, filed January 15, 2009, in a related  
6 declaratory judgment action styled *Intel Corp. v Wi-LAN Inc. et al*, 5:08-cv-4555 (N.D. Cal.).  
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9 Dated: \_\_\_\_\_, 2009 By: \_\_\_\_\_  
United States District Court Judge  
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CERTIFICATE OF SERVICE

I hereby certify that on February 20, 2009, a true and correct copy of the foregoing STIPULATION AND [PROPOSED] ORDER TO EXTEND TIME TO RESPOND TO AMENDED COMPLAINT was filed electronically with the Clerk of the Court using CM/ECF System. Notice of this filing will be sent by operation of the Court’s electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court’s electronic filing system.

By:           /s/ Michael G. McManus            
Michael G. McManus

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