


EXHIBIT 2

Adam Alper/San
Francisco/Kirkland-Ellis

07/10/2009 11:22 AM

To "Mike McManus" <mmcmanus@McKoolSmith.com>
cc "Amy Schofield" <aschofield@kirkland.com>, "Wi-LAN
Counsel" <Wi-LANcounsel@McKoolSmith.com>
bcc aalper@kirkland.com
Subject RE: Wi-LAN/NDCal Sept. 2 CMC 

Mike,

Thanks for your email. As a small point of clarification with respect to the joint submission due August 24, once the Court scheduled the CMC for September 2, we raised the issue of timing for the exchange, and the Court agreed that it need not be immediate given the extended schedule. Per that discussion, the Court's June 25 Order Following CMC states that the parties shall meet and confer to determine a procedure for the production of the joint submission. That said, we wish to provide the chart to Wi-LAN as soon as possible. We will aim to provide the chart to you by July 14 as you requested, although we may need a small amount of additional time. However, Wi-LAN will still have weeks to work on its portion of the joint submission after Intel provides its part of the chart, which will be substantially more time than the Court envisioned when it originally raised this issue and suggested that Wi-LAN provide its responses on the patents-in-suit in 10 days. Moreover, Wi-LAN is able to currently perform any necessary analysis regarding its infringement contentions.

On a related issue, Intel has produced to Wi-LAN substantial documentation in this action concerning accused WiMAX products. Please let us know promptly whether there are any additional materials Wi-LAN believes it needs.

With respect to the CMC date, our recollection was that the Court had availability earlier in the week. Unless you object, we propose calling the Court Clerk to check on available dates (other than September 3 and 4 which you stated you are not available for), and get back to you. We will plan to call the Court Clerk today. Please let me know if you would like to be on that call or object to that approach.

Adam

Adam R. Alper
Kirkland & Ellis LLP
555 California Street
San Francisco, CA 94104
Tel: (415) 439-1876
Fax: (415) 439-1500
www.kirkland.com

"Mike McManus" <mmcmanus@McKoolSmith.com>



"Mike McManus"
<mmcmanus@McKoolSmith.
com>

07/09/2009 03:34 PM

To "Adam Alper" <AAIper@kirkland.com>
cc "Amy Schofield" <aschofield@kirkland.com>, "Wi-LAN
Counsel" <Wi-LANcounsel@McKoolSmith.com>
Subject RE: Wi-LAN/NDCal Sept. 2 CMC

Adam,

As I recall you had indicated that we would speak on Monday regarding this issue and the scheduling of the joint submission due August 24th. With regard to rescheduling the CMC, we are generally amenable, but do not wish to schedule the conference for Thursday or Friday (September 3 and 4) in view of preexisting schedule conflicts. It is my further understanding that the Court indicated that it was unavailable earlier in the week. Accordingly, we will agree not to oppose a motion to reschedule the CMC to a subsequent date (after Friday September 4th) convenient to the Court.

With regard to the joint submission, I understand that Intel informed the Court that it was prepared to supply its portion to Wi-LAN within one to two weeks of the June 23rd conference. Accordingly, we request that Intel supply its portion to us no later than July 14th (three weeks from the date of the CMC).

I am out of the office today but will be in tomorrow.

Regards,

Mike

From: Adam Alper [mailto:AAIper@kirkland.com]
Sent: Wednesday, July 08, 2009 1:43 PM
To: Mike McManus
Cc: Amy Schofield
Subject: Wi-LAN/NDCal Sept. 2 CMC

Mike,

On a call last week, I asked whether Wi-LAN was OK if we contacted the Court Clerk to ask whether it was possible to move the September 2 supplemental CMC date. As we discussed, we would first ask the Court Clerk whether the CMC could be moved to another date that same week. You said you'd get back to me on this issue. Are you OK if we contact the Court Clerk and ask to move the CMC date? Thanks.

Adam

Adam R. Alper
Kirkland & Ellis LLP
555 California Street
San Francisco, CA 94104
Tel: (415) 439-1876
Fax: (415) 439-1500
www.kirkland.com

The information contained in this communication is confidential, may be attorney-client privileged, may constitute inside information, and is intended only for the use of the addressee. It is the property of Kirkland & Ellis LLP or Kirkland & Ellis International LLP. Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited and may be unlawful. If you have received this communication in error, please notify us immediately by return e-mail or by e-mail to postmaster@kirkland.com, and destroy this communication and all copies thereof,

including all attachments.

KIRKLAND & ELLIS LLP

AND AFFILIATED PARTNERSHIPS

555 California Street
San Francisco, California 94104-1501

Amy R. Schofield
To Call Writer Directly:
(415) 439-1453
aschofield@kirkland.com

(415) 439-1400
www.kirkland.com

Facsimile:
(415) 439-1500

October 22, 2009

Via Email

Eric Berger
McKool Smith
One Bryant Park, 47th Floor
New York, NY 10036

Re: Wi-LAN Litigation

Dear Eric:

In accordance with the Special Master's October 14, 2009 Order and our October 22, 2009 meet and confer call, please find attached a breakdown, by category (using the Wi-LAN categories) of Intel's WiMAX documents. Although this task was burdensome and costly, per the Special Master's instructions, Intel used its best efforts in the time provided to assign Wi-LAN's categories to each document. This chart should not be taken as an admission in any way concerning the substance of any particular document, but is instead intended to satisfy Wi-LAN's requests for this chart and assist Wi-LAN in completing fulsome infringement contentions by the Court's February 1 deadline. Please note that some documents are accompanied by attachments containing graphics files that are embedded in the document. In those cases, Intel has not separately categorized the attached graphics files. Additionally, in identifying documents using Wi-LAN's six categories, Intel observed that Wi-LAN's categories did not apply to some documents. In the interests of cooperation and completeness, Intel created three additional categories to accommodate those situations: Marketing (denoted as category 7), Third Party Marketing/Research (denoted as category 8), and Other (denoted as category 9). Lastly, although Intel has made its best efforts in the time provided to categorize WiMAX documents in its production (there are over 34,000 documents on the chart), there may be a minority of Intel WiMAX documents in the production that are not included on the chart, that we were unable to identify in this process.

If you have any questions please do not hesitate to contact me.

KIRKLAND & ELLIS LLP

Eric Berger
October 22, 2009
Page 2

Regards,

/s/ Amy R. Schofield

Amy R. Schofield

cc: Wi-LANCounsel@McKoolSmith.com

Intel Corp. v. Wi-LAN, Inc., No. 5:08-CV-04555(JW)

BEGBATESNUM	ENDBATESNUM	CATEGORY
17000DOC038437	17000DOC038456	02 DESIGN
17003DOC015955	17003DOC015983	02 DESIGN; 03 COMMUNICATIONS
17003DOC015984	17003DOC015984	02 DESIGN; 03 COMMUNICATIONS
17003DOC015985	17003DOC016013	02 DESIGN; 03 COMMUNICATIONS
17003DOC016117	17003DOC016117	02 DESIGN; 03 COMMUNICATIONS
17003DOC016118	17003DOC016139	02 DESIGN; 03 COMMUNICATIONS
17005DOC005514	17005DOC005517	03 COMMUNICATIONS
17005DOC005518	17005DOC005559	02 DESIGN; 03 COMMUNICATIONS
17006DOC009320	17006DOC009320	02 DESIGN
17006DOC009469	17006DOC009469	02 DESIGN
17006DOC009470	17006DOC009471	02 DESIGN
17006DOC009472	17006DOC009473	02 DESIGN
17006DOC009474	17006DOC009476	02 DESIGN
17006DOC009477	17006DOC009479	02 DESIGN
17006DOC009480	17006DOC009481	02 DESIGN
17006DOC009482	17006DOC009483	02 DESIGN
17008DOC006506	17008DOC006566	02 DESIGN; 03 COMMUNICATIONS
17008DOC007382	17008DOC007395	02 DESIGN; 03 COMMUNICATIONS
17010DOC014500	17010DOC014520	02 DESIGN; 03 COMMUNICATIONS
17010DOC014686	17010DOC014688	02 DESIGN; 03 COMMUNICATIONS
17010DOC014690	17010DOC014710	02 DESIGN; 03 COMMUNICATIONS
17010DOC014714	17010DOC014714	03 COMMUNICATIONS
17010DOC014715	17010DOC014740	02 DESIGN; 03 COMMUNICATIONS
17010DOC014741	17010DOC014741	03 COMMUNICATIONS
17010DOC014742	17010DOC014742	02 DESIGN; 03 COMMUNICATIONS
17010DOC014743	17010DOC014743	02 DESIGN; 03 COMMUNICATIONS
17010DOC014744	17010DOC014744	02 DESIGN; 03 COMMUNICATIONS
17010DOC014745	17010DOC014745	02 DESIGN; 03 COMMUNICATIONS
17010DOC014746	17010DOC014746	02 DESIGN; 03 COMMUNICATIONS
17010DOC014747	17010DOC014747	02 DESIGN; 03 COMMUNICATIONS
17010DOC014748	17010DOC014748	02 DESIGN; 03 COMMUNICATIONS
17010DOC014749	17010DOC014749	02 DESIGN; 03 COMMUNICATIONS
17010DOC014750	17010DOC014750	02 DESIGN; 03 COMMUNICATIONS
17010DOC014751	17010DOC014751	02 DESIGN; 03 COMMUNICATIONS
17010DOC014752	17010DOC014752	02 DESIGN; 03 COMMUNICATIONS
17010DOC014753	17010DOC014753	02 DESIGN; 03 COMMUNICATIONS
17010DOC014754	17010DOC014754	02 DESIGN; 03 COMMUNICATIONS
17010DOC014755	17010DOC014755	02 DESIGN; 03 COMMUNICATIONS
17010DOC014756	17010DOC014756	02 DESIGN; 03 COMMUNICATIONS

Intel Corp. v. Wi-LAN, Inc., No. 5:08-CV-04555(JW)

BEGBATESNUM	ENDBATESNUM	CATEGORY
17704DOC016346	17704DOC016346	04 TESTS
17704DOC016347	17704DOC016347	07 OTHER
17704DOC016348	17704DOC016348	03 COMMUNICATIONS
17704DOC016349	17704DOC016350	02 DESIGN
17704DOC016351	17704DOC016353	02 DESIGN
17704DOC016354	17704DOC016354	04 TESTS
17704DOC016355	17704DOC016355	03 COMMUNICATIONS; 07 OTHER
17704DOC016356	17704DOC016367	03 COMMUNICATIONS; 04 TESTS; 06 MANUFACTURING
17704DOC016368	17704DOC016368	07 OTHER
17704DOC016369	17704DOC016369	07 OTHER
17704DOC016370	17704DOC016390	02 DESIGN; 03 COMMUNICATIONS; 04 TESTS
17704DOC016391	17704DOC016465	03 COMMUNICATIONS; 04 TESTS; 07 OTHER
17704DOC016466	17704DOC016466	03 COMMUNICATIONS
17704DOC016467	17704DOC016467	03 COMMUNICATIONS
17704DOC016468	17704DOC016468	03 COMMUNICATIONS; 07 OTHER
17704DOC016469	17704DOC016469	03 COMMUNICATIONS
17704DOC016470	17704DOC016470	03 COMMUNICATIONS
17704DOC016471	17704DOC016471	03 COMMUNICATIONS; 07 OTHER
17704DOC016472	17704DOC016472	03 COMMUNICATIONS
17704DOC016473	17704DOC016473	03 COMMUNICATIONS; 07 OTHER
17704DOC016474	17704DOC016474	03 COMMUNICATIONS; 07 OTHER
17704DOC016475	17704DOC016475	03 COMMUNICATIONS; 07 OTHER
17704DOC016476	17704DOC016476	03 COMMUNICATIONS; 07 OTHER
17704DOC016477	17704DOC016477	03 COMMUNICATIONS; 07 OTHER
17704DOC016478	17704DOC016515	04 TESTS
17704DOC016516	17704DOC016516	03 COMMUNICATIONS
17704DOC016517	17704DOC016532	02 DESIGN; 03 COMMUNICATIONS
17704DOC016533	17704DOC016533	03 COMMUNICATIONS
17704DOC016534	17704DOC016534	03 COMMUNICATIONS
17704DOC016535	17704DOC016535	04 TESTS
17704DOC016536	17704DOC016537	04 TESTS
17704DOC016538	17704DOC016541	02 DESIGN; 05 MPI-MIB; 06 MANUFACTURING
17704DOC016542	17704DOC016542	04 TESTS
17704DOC016543	17704DOC016544	04 TESTS
17704DOC016545	17704DOC016546	04 TESTS
17704DOC016547	17704DOC016547	02 DESIGN
17704DOC016548	17704DOC016573	02 DESIGN; 03 COMMUNICATIONS
17704DOC016574	17704DOC016574	03 COMMUNICATIONS

Intel Corp. v. Wi-LAN, Inc., No. 5:08-CV-04555(JW)

BEGBATESNUM	ENDBATESNUM	CATEGORY
27211DOC011669	27211DOC011673	02 DESIGN
27211DOC011674	27211DOC011768	02 DESIGN
27211DOC011769	27211DOC011816	02 DESIGN
27211DOC011817	27211DOC011846	02 DESIGN
27211DOC011847	27211DOC011894	02 DESIGN
27211DOC011895	27211DOC011905	02 DESIGN
27211DOC011906	27211DOC011913	02 DESIGN
27211DOC011914	27211DOC011933	02 DESIGN
27211DOC011934	27211DOC011964	02 DESIGN
27211DOC011965	27211DOC011965	02 DESIGN
27211DOC011966	27211DOC011966	02 DESIGN
27211DOC011967	27211DOC012023	02 DESIGN

KIRKLAND & ELLIS LLP

AND AFFILIATED PARTNERSHIPS

555 California Street
San Francisco, California 94104-1501

Amy R. Schofield
To Call Writer Directly:
(415) 439-1453
aschofield@kirkland.com

(415) 439-1400

www.kirkland.com

Facsimile:
(415) 439-1500

October 22, 2009

Via Email

Eric Berger
McKool Smith
One Bryant Park, 47th Floor
New York, NY 10036

Re: Wi-LAN Litigation

Dear Eric:

With respect to source code, as we have previously confirmed, Intel has provided code for Rosedale I, Rosedale II, Baxter Peak, and Echo Peak, including hardware code, microcode, firmware and drivers (the code also includes Verilog HDL and C code). With respect to Ofer-R, as we previously confirmed, those products regard analog equipment, and as Wi-LAN acknowledged, there is no code for Ofer-R (although we have produced documentation relating to Ofer-R). With respect to Glenfield and Gupta, Intel is continuing to look into source code for these products. As agreed, we will provide an update on status on October 29.

On our October 22 meet and confer call, we agreed to look into the earliest version and revision histories of the code for Rosedale I, Rosedale II, Baxter Peak and Echo Peak, and report back to Wi-LAN on status by October 29. Mr. Petrusic was at the escrow facility during our October 22 meet and confer call, and other than the earliest version/revision histories issue, confirmed that he did see any further issues with respect to the code that has been produced.

With respect to Wi-LAN's questions concerning Intel's production of third-party code, as stated during our October 22 meet and confer, to the extent there is third-party WiMAX code, we believe it relates to the Rosedale products, and has been produced along with Intel's code as discussed above. With respect to Wi-LAN's questions concerning whether Intel possesses "source code (other than what Intel has already produced) that Intel provides to other WiMAX product companies (including without limitation base station manufacturers and network operators) or their customers," we are not aware of such code at this time. With respect to Wi-LAN's questions concerning whether Intel possesses "source code (other than what Intel has already produced) that is used with Intel's WiMAX products (including without limitation use for internal testing at Intel or in deployed systems)," we are not aware of such code at this time. We

KIRKLAND & ELLIS LLP

Eric Berger
October 22, 2009
Page 2

agreed to investigate WiMAX code used for internal testing purposes and provide an update on status on October 29.

Please let me know whether we have omitted any necessary confirmations or pending source code issues. Additionally, if Wi-LAN becomes aware of any additional code that it believes should be produced, please let us know, and we will promptly look into your requests.

Regards,

/s/ Amy R. Schofield

Amy R. Schofield

cc: Wi-LANCounsel@McKoolSmith.com

KIRKLAND & ELLIS LLP

AND AFFILIATED PARTNERSHIPS

555 California Street
San Francisco, California 94104-1501

Amy R. Schofield
To Call Writer Directly:
(415) 439-1453
aschofield@kirkland.com

(415) 439-1400

www.kirkland.com

Facsimile:
(415) 439-1500

September 25, 2009

Via Overnight Delivery and Email

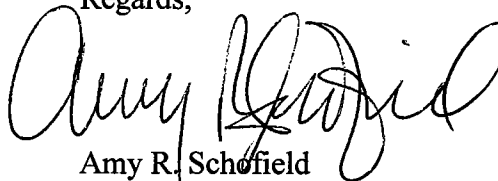
Jason Blackstone
McKool Smith
300 Crescent Court, Suite 1500
Dallas, TX 75201

Re: Wi-LAN Litigation

Dear Jason:

Enclosed please find two CDs containing documents for production in the *Intel Corp. v. Wi-LAN Inc.* matter pending in the Northern District of California. The documents on these CDs bear Bates Numbers 27218DOC000001-71158 and 27219DOC000001-5928. Per Wi-LAN's standing request, these CDs are being delivered to your attention via overnight delivery.

Regards,



Amy R. Schofield

Enclosures

cc: Wi-LANCounsel@McKoolSmith.com

KIRKLAND & ELLIS LLP

AND AFFILIATED PARTNERSHIPS

555 California Street
San Francisco, California 94104

Amy Schofield
To Call Writer Directly:
(415) 439-1453
aschofield@kirkland.com

(415) 439-1400
www.kirkland.com

Facsimile:
(415) 439-1500

June 22, 2009

Via Courier and Email

Michael McManus
McKool Smith
1700 K Street NW, Suite 740
Washington, DC 20006

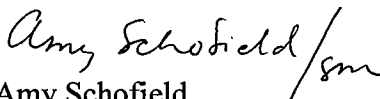
Jason Blackstone
McKool Smith
300 Crescent Court, Suite 1500
Dallas, TX 75201

Re: Wi-LAN Litigation

Dear Mike and Jason:

Enclosed please find a CD containing technical documents for production in the *Intel Corp. v. Wi-LAN Inc.* matter pending in the Northern District of California. The documents on this CD bear Bates Numbers 27211DOC000001-12023. Per Wi-LAN's standing request, this CD is being delivered to Mr. Blackstone's attention via courier for delivery tomorrow morning.

Regards,


Amy Schofield

Enclosures

cc: Wi-LANCounsel@McKoolSmith.com