

EXHIBIT 3

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13 Attorneys for Plaintiff INTEL CORPORATION

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16

17 INTEL CORPORATION,
18

19 Plaintiff,

20 vs.

21 WI-LAN, INC.,

22 Defendants.
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Case No. 5:08-cv-4555 JW (HRL)

**INTEL'S RESPONSES TO WI-LAN'S
THIRD SET OF INTERROGATORIES
NOS. 7-10**

**ATTORNEYS' EYES ONLY - SUBJECT
TO PROSECUTION BAR**

24 Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Plaintiff Intel
25 Corporation ("Intel") hereby objects and responds to Defendant Wi-LAN Inc.'s ("Defendant")
26 Third Set of Interrogatories to Intel. Preceding Intel's responses and specific objections below,
27 Intel also provides its General Objections applicable to each of its responses. Accordingly, each
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1 interrogatory can be derived.

2 **INTERROGATORY NO. 10:**

3 State in detail (including specific reference to all documents and source code you are
4 relying on) all factual and legal bases for INTEL's contention that INTEL does not infringe,
5 directly or indirectly, any claim of the PATENTS-AT-ISSUE, and include an identification of
6 the claim element(s) that You allege are not included in each INTEL WiMAX PRODUCT that
7 You contend does not infringe and explain in detail why each such element is not included (both
8 literally and under the doctrine of equivalents) for each claim and each INTEL WiMAX
9 PRODUCT, and identify the PERSONS who are most knowledgeable about the facts underlying
10 your answer and all DOCUMENTS related thereto.

11 **RESPONSE TO INTERROGATORY NO. 10:**

12 Intel objects to this interrogatory to the extent it is overly broad, unduly burdensome,
13 and/or not reasonably calculated to lead to the discovery of admissible evidence, including to the
14 extent it seeks information concerning instrumentalities, functionalities, and/or features that are
15 not relevant to the infringement contentions ordered by the Court's First Patent Scheduling
16 Order. Intel further objects to this interrogatory as overly broad, unduly burdensome, and/or not
17 reasonably calculated to lead to the discovery of admissible evidence to the extent it is not
18 limited to any specified geographic jurisdiction; calls for information related to products that are
19 not yet commercialized, extraterritorial products, or products that are not relevant to any issue in
20 the instant matter; and seeks information beyond the allowable time period for purposes of 35
21 U.S.C. § 286. Intel objects to the definition of the term "PATENTS-AT-ISSUE," including to
22 the extent the definition includes U.S. Patent No. 6,925,068.

23 Intel further objects to this interrogatory to the extent the answer thereto may be derived
24 from publicly-available documents or documents and things to be produced by the parties, where
25 the burden of deriving the responsive information is substantially the same for Defendant as it is
26 for Intel, or to the extent it asks Intel to produce or analyze information that is not within Intel's
27 possession, custody, or control; calls for Intel to prepare documents and/or things that do not
28 already exist; or calls for information in a format other than that in which it is ordinarily kept by

1 Intel. Intel further objects to this interrogatory to the extent it seeks confidential and proprietary
2 information, including trade secrets and competitively sensitive business information, where any
3 purported marginal benefits of production are outweighed by the burden associated with
4 producing such highly sensitive materials, and/or to the extent it seeks information subject to
5 confidentiality and/or nondisclosure obligations Intel has undertaken with respect to any third
6 party. Intel further objects to this interrogatory to the extent it seeks a legal conclusion. Intel
7 further objects to this interrogatory to the extent it seeks information that is protected by the
8 attorney-client privilege, constitutes attorney work product, or is protected by any other
9 applicable privilege or protection, including the common interest or joint defense privileges or
10 protections.

11 Intel further objects to this interrogatory to the extent it assumes the existence of a certain
12 or minimum number of persons "most knowledgeable."

13 Intel further objects to this interrogatory to the extent it contains multiple subparts
14 asserted as a single interrogatory and/or exceeds the permissible number of interrogatories. Intel
15 further objects to this interrogatory to the extent it prematurely seeks contentions before
16 Defendant has provided its infringement contentions, before the Court has construed the claims
17 of the patents-in-suit, and before expert discovery.

18 Subject to and without waiver of these and its General Objections, Intel responds as
19 follows:

20 Intel does not infringe any claim of the patents-in-suit because the claim elements are not
21 present on their own, in combination with other claim elements, and under the doctrine of
22 equivalents in the Intel WiMAX products. Moreover, Wi-LAN has failed to establish that the
23 Intel WiMAX products include any of the claim elements of the patents-in-suit.

1 Dated: December 21, 2009

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4 By: /s/ Adam R. Alper

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