

1 Robert A. Cote (admitted *pro hac vice*)
 rcote@mckoolsmith.com
 2 Gayle Rosenstein Klein (State Bar No. 237975)
 gklein@mckoolsmith.com
 3 MCKOOL SMITH P.C.
 399 Park Avenue, Suite 3200
 4 New York, NY 10022
 Telephone: (212) 402-9400
 5 Facsimile: (212) 402-9444

6 Michael G. McManus (admitted *pro hac vice*)
 mmcmanus@mckoolsmith.com
 7 MCKOOL SMITH P.C.
 1700 K Street, N.W., Suite 740
 8 Washington, D.C. 20006
 Telephone: (202) 370-8300
 9 Facsimile: (202) 370-8344
 10

11 ATTORNEYS FOR SPECIALLY APPEARING
 12 DEFENDANT WI-LAN INC.

13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

15 INTEL CORPORATION,

16 Plaintiff,

17 v.

18 WI-LAN INC., WI-LAN TECHNOLOGIES
 CORPORATION, WI-LAN TECHNOLOGIES,
 19 INC., and WI-LAN V-CHIP CORP.,

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

**NOTICE OF SUPPLEMENTAL
 INFORMATION IN SUPPORT OF WI-
 LAN'S MOTION TO DISMISS FOR LACK
 OF SUBJECT MATTER JURISDICTION
 AND/OR TO TRANSFER TO FIRST-
 FILED FORUM**

Date: May 4, 2009
 Time: 9:00 a.m.
 Courtroom: 8, 4th Floor
 Judge: Hon. James Ware

1 Wi-LAN submits, with the Court's permission, the following supplemental exhibits
2 referenced today during the hearing on Wi-LAN's motion to dismiss Intel's declaratory judgment
3 complaint (D.I. 31) for lack of subject matter jurisdiction and/or to transfer to a first-filed Texas
4 action between the same parties (*Wi-LAN v. Acer et al.*, 2:07-CV-00473, filed October 31,
5 2007). The attached exhibits (Exhibits 1-3) are the briefs submitted by the parties to the Texas
6 court in connection with Wi-LAN's motion to supplement its complaint. Based on these
7 submissions, the Texas court determined in a February 3, 2009 order (attached as Exhibit 4,
8 which was previously submitted in Wi-LAN's moving and reply papers before this Court) that
9 the Texas action is the first-filed action between the parties regarding the subject matter of Wi-
10 LAN's patents-in-suit in this action.

11 In addition to the *Applera* case and the *SanDisk* case decided by Judge Whyte referenced
12 during the hearing (attached hereto as Exhibits 5 and 6) regarding whether communication of
13 a list of patents (or portfolio) relating to a technology area or standard is sufficient to give rise to
14 a "definite and concrete" case or controversy justifying litigation regarding all patents in the list
15 or portfolio, there is no dispute between the parties that four of the eighteen patents-in-suit in this
16 action are not included in the patent list that Wi-LAN submitted to Intel in April 2006 (*see*
17 *Smith Decl.*, Exhibit 1, D.I. 136). *See also* discussion at pages 8-9 and 14-15 of Wi-LAN's
18 Reply Brief, D.I. 171, and Intel's Opposition Br. at 5 and 15, D.I. 122). The four patents-in-suit
19 not included in the list are U.S. Patents 6,963,617, 7,289,467, 7,317,704, and 7,379,441.

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Dated: May 4, 2009

Respectfully submitted,

By: /s/ Robert A. Cote
Robert A. Cote (admitted *pro hac vice*)
rcote@mckoolsmith.com
Gayle Rosenstein Klein
(State Bar No. 237975)
gklein@mckoolsmith.com
MCKOOL SMITH P.C.
399 Park Avenue, Suite 3200
New York, NY 10022
Telephone: (212) 402-9400
Facsimile: (212) 402-9444

Michael G. McManus
(admitted *pro hac vice*)
mmcmanus@mckoolsmith.com
MCKOOL SMITH P.C.
1700 K Street, N.W., Suite 740
Washington, D.C. 20006
Telephone (202) 370-8300
Facsimile: (202) 370-8344

ATTORNEYS FOR DEFENDANTS WI-LAN
INC., WI-LAN TECHNOLOGIES
CORPORATION, WI-LAN
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CHIP CORP.

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CERTIFICATE OF SERVICE

The undersigned certifies that on this 4th day of May, 2009, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document through the Court's CM/ECF system. Any other counsel of record will be served by facsimile transmission and/or first class mail.

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