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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

INTEL CORPORATION,

Plaintiff,

v.

WI-LAN, INC.,

Defendant.

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

**JOINT SUBMISSION OF PLAINTIFF
INTEL CORPORATION AND
DEFENDANT WI-LAN, INC. PURSUANT
TO THE COURT'S JUNE 25, 2009 ORDER
FOLLOWING CASE MANAGEMENT
CONFERENCE**

Date: September 1, 2009
Time: 9:00 a.m.
Courtroom: 8, 4th Floor
Judge: Hon. James Ware

1 Plaintiff Intel Corporation ("Intel") and Defendant Wi-LAN, Inc. ("Wi-LAN") hereby
2 provide their joint submission in accordance with the Court's June 25, 2009 Order Following Case
3 Management Conference ("Joint Submission"). The parties' Joint Submission is attached as
4 Exhibit A.

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7 Dated: August 24, 2009

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CERTIFICATE OF SERVICE

I hereby certify that on August 24, 2009 a true and correct copy of the foregoing **JOINT SUBMISSION OF PLAINTIFF INTEL CORPORATION AND DEFENDANT WI-LAN, INC. PURSUANT TO THE COURT'S JUNE 25, 2009 ORDER FOLLOWING CASE MANAGEMENT CONFERENCE** was electronically filed with the Clerk of the Court using the Court's 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/ Adam R. Alper
Adam R. Alper

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Exhibit A

Joint Submission Regarding Patents and Products

Wi-LAN's Patents	Description Of Claims Intel Contends Are Relevant To Intel's Non-Infringement ¹	Intel Products And The Features and Functions That Intel Contends To Be Brought Into Issue ²	Intel's Evidence That Wi-LAN Has Asserted Infringement Of Identified Claims / Wi-LAN's Basis For Infringement ³
<p>U.S. Patent 6,459,687</p> <p>Title: "<i>Method And Apparatus For Implementing A MAC Coprocessor In A Communication System</i>"</p>	<p>By Intel:</p> <p>The '687 patent regards Media Access Control (MAC) co-processors which implement certain MAC functionalities in base stations and/or customer premises equipment (CPEs). In particular, the '687 patent concerns the use of MAC coprocessors to perform certain tasks that would be performed by other components in a base station and/or CPE. This description is based on independent claims 1, 24, 38, 49, 56, and 64.</p>	<p>By Intel:⁴</p> <p>MAC circuitry/software routines for building and transmitting data frames in Intel's WiMAX base station or subscriber station products. <i>See</i> Footnote 4. Contrary to Wi-LAN's assertions below, this is only before this Court.</p>	<p>By Intel:</p> <p>For years prior to the filing of this case, Wi-LAN made continuous assertions of the patents-in-suit, including by providing a list of patents directly to Intel and asserting that any of Intel's products complying with the WiMAX standards required a license to the patents, as the Court found in holding that a case or controversy exists sufficient to confer declaratory judgment jurisdiction over this action. <i>See</i> Order Denying Defendant's Motion to Dismiss (June 4, 2009); Intel's Amended Opposition (Apr. 13, 2009). Wi-LAN has refused to provide covenants not to sue for any Intel products under this patent or any of the other patents-in-suit.⁵</p>
	<p>By Wi-LAN:</p> <p>Intel has not identified which claims of the '687 patent are relevant to its non-infringement allegations. The '687 patent claims may relate to WiMAX wireless network adapters and chips if they include a MAC co-processor with a defined structure to implement certain medium access control layer ("MAC") functions in a base station and/or CPE (<i>e.g.</i>, a laptop computer) to more efficiently transmit, receive, and synchronize data carried on OFDM wireless signals.</p>	<p>By Wi-LAN:</p> <p>Intel's Amended Complaint contends that its WiMAX Products are at issue for the '687 patent. Intel has confirmed this in Footnote 4. The same products are at issue in the first-filed Texas action. The WiMAX products identified on Intel's website are: Intel's WiMAX/Wi-Fi Link 5350 and 5150 wireless network adapters, and its WiMAX Connection 2400, 2300R, and 2310R chips.</p> <p>Intel's Amended Complaint does not identify the features and functions of its WiMAX products that Intel contends to be brought into issue.</p>	<p>By Wi-LAN:</p> <p>Wi-LAN has never asserted infringement of the '687 patent-in-suit or any other patents against any Intel WiMAX product other than the '068 patent-in-suit for which Wi-LAN is providing a covenant not to sue and the patents Wi-LAN has asserted in the first-filed Texas action (the '222, '802, and '759 patents). Intel has not identified any evidence of such an infringement assertion. <i>See</i> Wi-LAN's Amended Reply Brief (May 7, 2009, D.I. 191) and Middleton Decl. Ex. 12_ (Intel-Wi-LAN meeting, D.I.32). Discovery from Intel would be required for Wi-LAN to determine if Intel's WiMAX products use a co-processor with the specific claimed structure of the '687 patent to implement certain MAC functions in a base station and/or CPE to more efficiently transmit, receive, and synchronize data carried on OFDM wireless signals.</p>

Joint Submission Regarding Patents and Products

¹ Descriptions in this document are not interpretations of the patent claims for purposes of claim construction. The patent claims have many specific requirements which are not addressed in this document and which may be highly relevant to Intel's alleged non-infringement and other issues.

² By Intel: Intel's identification of products and features at issue is based on Wi-LAN's assertions that the patents relate to Intel products. Intel does not agree with Wi-LAN and contends that there is no infringement and/or the subject matter at issue is well-known in the prior art.

³ By Intel: Intel does not believe that the portion of this column concerning "Intel's Evidence That Wi-LAN Has Asserted Infringement" was requested by the Court. *See* Order Following Case Management Conference (June 25, 2009) at 1-2 ("On or before August 24, 2009, the parties in the Intel Action shall jointly file a document summarizing the patents and products relevant to this litigation. The document shall contain (a) a list of all patents in suit; (b) a description of the claims relevant to Intel's purported non-infringement; and (c) a description of the features and functions of the relevant accused products."). Wi-LAN demanded that Intel include this information, despite the Court's June 4, 2009 Order holding that declaratory judgment jurisdiction exists with respect to the patents-in-suit and its affirmation of that holding during the June 23, 2009 Case Management Conference. To avoid burdening the Court with separate, competing charts, Intel agreed to the inclusion of this column.

⁴ By Intel: Intel's family of WiMAX products includes WiMAX network adaptors, chipsets, and software for base station and subscriber station products. Intel's WiMAX products for base stations include Glenfield hardware and other base station products. Intel's WiMAX products for subscriber stations include Intel Pro Wireless 5116 (Rosedale I), Intel WiMAX Connection 2250 (Rosedale II), Intel WiMAX Connection 2300R (Ofer-R), 2310R (Ofer-R Module), and 2400 (Baxter Peak), and Intel WiMAX/WiFi Link 5150 and 5350 (Echo Peak). Additionally, Wi-LAN's assertions include third-party WiMAX base station and/or subscriber station products, as well as functionality implemented by network operators, in combination with Intel's WiMAX products.

⁵ By Intel: On the evening this joint submission was to be filed, Wi-LAN stated it is providing Intel with a covenant not to sue solely for the '068 patent. As such, the parties have not had an opportunity to confer regarding the terms of this covenant. The parties will attempt to confer regarding this covenant prior to the September 1, 2009 Case Management Conference in hopes of resolving the issues with respect to this patent.

Wi-LAN's Patents	Description Of Claims Intel Contends Are Relevant To Intel's Non-Infringement ¹	Intel Products And The Features and Functions That Intel Contends To Be Brought Into Issue ²	Intel's Evidence That Wi-LAN Has Asserted Infringement Of Identified Claims / Wi-LAN's Basis For Infringement ³
<p>U.S. Patent 6,944,188</p> <p>Title: "<i>Synchronizing Clocks Across A Communication Link</i>"</p>	<p>By Intel:</p> <p>The '188 patent regards a technique for synchronizing the clocks used in items such as base stations and CPEs. Clocks have various uses in wireless communications systems, for instance, to assist in coordinating the transmission and reception of information. The '188 patent discusses the use of certain signals sent by a base station to the CPEs to allow the CPEs to synchronize their clocks to the base station. This description is based on independent claims 1, 12, 18, 28, and 39-41.</p>	<p>By Intel:</p> <p>Clock circuitry/software routines for synchronization in Intel's WiMAX base station and subscriber station products. <i>See</i> Footnote 4. Contrary to Wi-LAN's assertions below, this is only before this Court.</p>	<p>By Intel:</p> <p>For years prior to the filing of this case, Wi-LAN made continuous assertions of the patents-in-suit, including by providing a list of patents directly to Intel and asserting that any of Intel's products complying with the WiMAX standards required a license to the patents, as the Court found in holding that a case or controversy exists sufficient to confer declaratory judgment jurisdiction over this action. <i>See</i> Order Denying Defendant's Motion to Dismiss (June 4, 2009); Intel's Amended Opposition (Apr. 13, 2009). Wi-LAN has refused to provide covenants not to sue for any Intel products under this patent or any of the other patents-in-suit. <i>See</i> Footnote 5.</p>
	<p>By Wi-LAN:</p> <p>Intel has not identified which claims of the '188 patent are relevant to its non-infringement allegations. The '188 patent claims may relate to WiMAX wireless network adapters and chips if they are configured to transmit certain signals that synchronize the clocks used in base stations and CPEs to more effectively transmit and receive data on OFDM wireless signals between a base station and a CPE.</p>	<p>By Wi-LAN:</p> <p>Intel's Amended Complaint contends that its WiMAX Products are at issue for the '188 patent. Intel has confirmed this in Footnote 4. The same products are at issue in the first-filed Texas action. The WiMAX products identified on Intel's website are: Intel's WiMAX/Wi-Fi Link 5350 and 5150 wireless network adapters, and its WiMAX Connection 2400, 2300R, and 2310R chips.</p> <p>Intel's Amended Complaint does not identify the features and functions of its WiMAX products that Intel contends to be brought into issue.</p>	<p>By Wi-LAN:</p> <p>Wi-LAN has never asserted infringement of the '188 patent-in-suit or any other patents against any Intel WiMAX product other than the '068 patent-in-suit for which Wi-LAN is providing a covenant not to sue and the patents Wi-LAN has asserted in the first-filed Texas action (the '222, '802, and '759 patents). Intel has not identified any evidence of such an infringement assertion. <i>See</i> Wi-LAN's Amended Reply Brief (May 7, 2009, D.I. 191) and Middleton Decl. Ex. 12_ (Intel-Wi-LAN meeting, D.I.32). Discovery from Intel would be required for Wi-LAN to determine if Intel's WiMAX products are configured to transmit certain signals that synchronize the clocks used in base stations and CPEs to more effectively transmit and receive data on OFDM wireless signals between a base station and a CPE.</p>

Joint Submission Regarding Patents and Products

Wi-LAN's Patents	Description Of Claims Intel Contends Are Relevant To Intel's Non-Infringement ¹	Intel Products And The Features and Functions That Intel Contends To Be Brought Into Issue ²	Intel's Evidence That Wi-LAN Has Asserted Infringement Of Identified Claims / Wi-LAN's Basis For Infringement ³
<p>U.S. Patent 7,197,022</p> <p>Title: "<i>Framing For An Adaptive Modulation Communication System</i>"</p>	<p>By Intel:</p> <p>The '022 patent regards a feature concerning information transmission units called frames. In particular, the '022 patent concerns the use of subframes within frames for transmitting groups of information having similar qualities, and preamble messages with the frames to coordinate the transmissions between base stations and CPEs. The '022 patent also discusses the use of a smart antennae in connection with base stations to assist with transmissions. This description is based on independent claims 1, 15-16, 19, 21, and 31.</p>	<p>By Intel:</p> <p>Framing algorithms in Intel's WiMAX base station and subscriber station products for coordinating uplink and downlink transmissions between base stations and subscriber stations. <i>See</i> Footnote 4.</p> <p>Additionally, antenna hardware/software in Intel's WiMAX base station and subscriber station products. <i>See</i> Footnote 4.</p> <p>Contrary to Wi-LAN's assertions below, this is only before this Court.</p>	<p>By Intel:</p> <p>For years prior to the filing of this case, Wi-LAN made continuous assertions of the patents-in-suit, including by providing a list of patents directly to Intel and asserting that any of Intel's products complying with the WiMAX standards required a license to the patents, as the Court found in holding that a case or controversy exists sufficient to confer declaratory judgment jurisdiction over this action. <i>See</i> Order Denying Defendant's Motion to Dismiss (June 4, 2009); Intel's Amended Opposition (Apr. 13, 2009). Wi-LAN has refused to provide covenants not to sue for any Intel products under this patent or any of the other patents-in-suit. <i>See</i> Footnote 5.</p>
	<p>By Wi-LAN:</p> <p>Intel has not identified which claims of the '022 patent are relevant to its non-infringement allegations. The '022 patent claims may relate to WiMAX wireless network adapters and chips if they include subframes and message preambles to identify different modulation modes for transmitting groups of data having similar qualities so that such data can be adaptively modulated on OFDM wireless signals exchanged between base stations and CPEs.</p>	<p>By Wi-LAN:</p> <p>Intel's Amended Complaint contends that its WiMAX Products are at issue for the '022 patent. Intel has confirmed this in Footnote 4. The same products are at issue in the first-filed Texas action. The WiMAX products identified on Intel's website are: Intel's WiMAX/Wi-Fi Link 5350 and 5150 wireless network adapters, and its WiMAX Connection 2400, 2300R, and 2310R chips.</p> <p>Intel's Amended Complaint does not identify the features and functions of its WiMAX products that Intel contends to be brought into issue.</p>	<p>By Wi-LAN:</p> <p>Wi-LAN has never asserted infringement of the '022 patent-in-suit or any other patents against any Intel WiMAX product other than the '068 patent-in-suit for which Wi-LAN is providing a covenant not to sue and the patents Wi-LAN has asserted in the first-filed Texas action (the '222, '802, and '759 patents). Intel has not identified any evidence of such an infringement assertion. <i>See</i> Wi-LAN's Amended Reply Brief (May 7, 2009, D.I. 191) and Middleton Decl. Ex. 12_ (Intel-Wi-LAN meeting, D.I.32). Discovery from Intel would be required for Wi-LAN to determine if Intel's WiMAX products use subframes and message preambles to identify different modulation modes for transmitting groups of data having similar qualities so that such data can be adaptively modulated on OFDM wireless signals exchanged between base stations and CPEs as claimed in the '022 patent.</p>

Joint Submission Regarding Patents and Products

Wi-LAN's Patents	Description Of Claims Intel Contends Are Relevant To Intel's Non-Infringement ¹	Intel Products And The Features and Functions That Intel Contends To Be Brought Into Issue ²	Intel's Evidence That Wi-LAN Has Asserted Infringement Of Identified Claims / Wi-LAN's Basis For Infringement ³
<p>U.S. Patent 7,379,441</p> <p>Title: "<i>Framing For An Adaptive Modulation Communication System</i>"</p>	<p>By Intel:</p> <p>The '441 patent is a continuation of the '022 patent (discussed above) and relates to similar subject matter; <i>e.g.</i>, the use of subframes within frames for transmitting groups of information having similar qualities, and preamble messages with the frames to coordinate the transmissions between base stations and CPEs. The claims of the '441 patent also concern the allocation of bandwidth to terminals in the network. This description is based on independent claims 1 and 4-6.</p>	<p>By Intel:</p> <p>Framing algorithms in Intel's WiMAX base station and subscriber station products for coordinating uplink and downlink transmissions between base stations and subscriber stations. <i>See</i> Footnote 4.</p> <p>Additionally, bandwidth allocation circuitry/software routines in Intel's WiMAX base station and subscriber station products. <i>See</i> Footnote 4.</p> <p>Contrary to Wi-LAN's assertions below, this is only before this Court.</p>	<p>By Intel:</p> <p>For years prior to the filing of this case, Wi-LAN made continuous assertions of the patents-in-suit, including by providing a list of patents directly to Intel and asserting that any of Intel's products complying with the WiMAX standards required a license to the patents, as the Court found in holding that a case or controversy exists sufficient to confer declaratory judgment jurisdiction over this action. <i>See</i> Order Denying Defendant's Motion to Dismiss (June 4, 2009); Intel's Amended Opposition (Apr. 13, 2009). Wi-LAN has refused to provide covenants not to sue for any Intel products under this patent or any of the other patents-in-suit. <i>See</i> Footnote 5.</p>
	<p>By Wi-LAN:</p> <p>Intel has not identified which claims of the '441 patent are relevant to its non-infringement allegations. The '441 patent is a continuation of the '022 patent and relates to similar subject matter. The claims may relate to WiMAX wireless network adapters and chips if they include subframes and message preambles to identify different modulation modes for transmitting groups of data having similar qualities so that such data can be adaptively modulated on OFDM wireless signals exchanged between base stations and CPEs.</p>	<p>By Wi-LAN:</p> <p>Intel's Amended Complaint contends that its WiMAX Products are at issue for the '441 patent. Intel has confirmed this in Footnote 4. The same products are at issue in the first-filed Texas action. The WiMAX products identified on Intel's website are: Intel's WiMAX/Wi-Fi Link 5350 and 5150 wireless network adapters, and its WiMAX Connection 2400, 2300R, and 2310R chips.</p> <p>Intel's Amended Complaint does not identify the features and functions of its WiMAX products that Intel contends to be brought into issue.</p>	<p>By Wi-LAN:</p> <p>Wi-LAN has never asserted infringement of the '441 patent-in-suit or any other patents against any Intel WiMAX product other than the '068 patent-in-suit for which Wi-LAN is providing a covenant not to sue and the patents Wi-LAN has asserted in the first-filed Texas action (the '222, '802, and '759 patents). Intel has not identified any evidence of such an infringement assertion. <i>See</i> Wi-LAN's Amended Reply Brief (May 7, 2009, D.I. 191) and Middleton Decl. Ex. 12_ (Intel-Wi-LAN meeting, D.I.32). Discovery from Intel would be required for Wi-LAN to determine if Intel's WiMAX products use subframes and message preambles to identify different modulation modes for transmitting groups of data having similar qualities so that such data can be adaptively modulated on OFDM wireless signals exchanged between base stations and CPEs as claimed in the '441 patent.</p>

Joint Submission Regarding Patents and Products

Wi-LAN's Patents	Description Of Claims Intel Contends Are Relevant To Intel's Non-Infringement ¹	Intel Products And The Features and Functions That Intel Contends To Be Brought Into Issue ²	Intel's Evidence That Wi-LAN Has Asserted Infringement Of Identified Claims / Wi-LAN's Basis For Infringement ³
<p>U.S. Patent 6,804,211</p> <p>Title: "<i>Frame Structure For An Adaptive Modulation Wireless Communication System</i>"</p>	<p>By Intel:</p> <p>The '211 patent regards a feature for the ordering of data in transmissions between base stations and CPEs. In particular, the '211 patent concerns dividing data into groups by the type of modulation scheme used to send the data, and then ordering the groups, for instance from the most complex modulation scheme to the least complex modulation scheme. This description is based on independent claims 1, 15, and 19.</p> <p>By Wi-LAN:</p> <p>Intel has not identified which claims of the '211 patent are relevant to its non-infringement allegations. The '211 patent claims may relate to WiMAX wireless network adapters and chips in base stations and/or CPEs if they include adaptively modulate data carried on OFDM signals and group the data for transmission based on the complexity of the type of modulation scheme used to transmit the data.</p>	<p>By Intel:</p> <p>Bandwidth allocation and framing circuitry/software routines in Intel's WiMAX base station and subscriber station products. <i>See</i> Footnote 4. Contrary to Wi-LAN's assertions below, this is only before this Court.</p> <p>By Wi-LAN:</p> <p>Intel's Amended Complaint contends that its WiMAX Products are at issue for the '211 patent. Intel has confirmed this in Footnote 4. The same products are at issue in the first-filed Texas action. The WiMAX products identified on Intel's website are: Intel's WiMAX/Wi-Fi Link 5350 and 5150 wireless network adapters, and its WiMAX Connection 2400, 2300R, and 2310R chips.</p> <p>Intel's Amended Complaint does not identify the features and functions of its WiMAX products that Intel contends to be brought into issue.</p>	<p>By Intel:</p> <p>For years prior to the filing of this case, Wi-LAN made continuous assertions of the patents-in-suit, including by providing a list of patents directly to Intel and asserting that any of Intel's products complying with the WiMAX standards required a license to the patents, as the Court found in holding that a case or controversy exists sufficient to confer declaratory judgment jurisdiction over this action. <i>See</i> Order Denying Defendant's Motion to Dismiss (June 4, 2009); Intel's Amended Opposition (Apr. 13, 2009). Wi-LAN has refused to provide covenants not to sue for any Intel products under this patent or any of the other patents-in-suit. <i>See</i> Footnote 5.</p> <p>By Wi-LAN:</p> <p>Wi-LAN has never asserted infringement of the '211 patent-in-suit or any other patents against any Intel WiMAX product other than the '068 patent-in-suit for which Wi-LAN is providing a covenant not to sue and the patents Wi-LAN has asserted in the first-filed Texas action (the '222, '802, and '759 patents). Intel has not identified any evidence of such an infringement assertion. <i>See</i> Wi-LAN's Amended Reply Brief (May 7, 2009, D.I. 191) and Middleton Decl. Ex. 12_ (Intel-Wi-LAN meeting, D.I.32). Discovery from Intel would be required for Wi-LAN to determine if Intel's products in base stations and/or CPEs adaptively modulate data carried on OFDM signals and group the data for transmission based on the complexity of the type of modulation scheme used to transmit the data as claimed in the '211 patent.</p>

Joint Submission Regarding Patents and Products

Wi-LAN's Patents	Description Of Claims Intel Contends Are Relevant To Intel's Non-Infringement ¹	Intel Products And The Features and Functions That Intel Contends To Be Brought Into Issue ²	Intel's Evidence That Wi-LAN Has Asserted Infringement Of Identified Claims / Wi-LAN's Basis For Infringement ³
<p>U.S. Patent 6,683,866</p> <p>Title: "<i>Method And Apparatus For Data Transportation And Synchronization Between MAC And Physical Layers In A Wireless Communication System</i>"</p>	<p>By Intel:</p> <p>The '866 patent concerns features for creating packets of information to be transmitted between base stations and CPEs. In particular, the '866 patent concerns the fragmentation and concatenation of information to be mapped to packets referred to as TC/PHY (transmission convergence/physical layer) packets. The '866 patent also concerns synchronization when a communication link is disrupted during transmission. This description is based on independent claims 1 and 10-12.</p>	<p>By Intel:</p> <p>Circuitry/software routines for mapping data to MAC and PHY packets in Intel's WiMAX base station and subscriber station products. <i>See</i> Footnote 4. Contrary to Wi-LAN's assertions below, this is only before this Court.</p>	<p>By Intel:</p> <p>For years prior to the filing of this case, Wi-LAN made continuous assertions of the patents-in-suit, including by providing a list of patents directly to Intel and asserting that any of Intel's products complying with the WiMAX standards required a license to the patents, as the Court found in holding that a case or controversy exists sufficient to confer declaratory judgment jurisdiction over this action. <i>See</i> Order Denying Defendant's Motion to Dismiss (June 4, 2009); Intel's Amended Opposition (Apr. 13, 2009). Wi-LAN has refused to provide covenants not to sue for any Intel products under this patent or any of the other patents-in-suit. <i>See</i> Footnote 5.</p>
	<p>By Wi-LAN:</p> <p>Intel has not identified which claims of the '866 patent are relevant to its non-infringement allegations. The '866 patent claims may relate to WiMAX wireless network adapters and chips in a base station and/or CPE if they fragment and concatenate data into packets for synchronization and improved transmission on OFDM wireless signals between a base station and CPE.</p>	<p>By Wi-LAN:</p> <p>Intel's Amended Complaint contends that its WiMAX Products are at issue for the '866 patent. Intel has confirmed this in Footnote 4. The same products are at issue in the first-filed Texas action. The WiMAX products identified on Intel's website are: Intel's WiMAX/Wi-Fi Link 5350 and 5150 wireless network adapters, and its WiMAX Connection 2400, 2300R, and 2310R chips.</p> <p>Intel's Amended Complaint does not identify the features and functions of its WiMAX products that Intel contends to be brought into issue.</p>	<p>By Wi-LAN:</p> <p>Wi-LAN has never asserted infringement of the '866 patent-in-suit or any other patents against any Intel WiMAX product other than the '068 patent-in-suit for which Wi-LAN is providing a covenant not to sue and the patents Wi-LAN has asserted in the first-filed Texas action (the '222, '802, and '759 patents). Intel has not identified any evidence of such an infringement assertion. <i>See</i> Wi-LAN's Amended Reply Brief (May 7, 2009, D.I. 191) and Middleton Decl. Ex. 12_ (Intel-Wi-LAN meeting, D.I.32). Discovery from Intel would be required for Wi-LAN to determine if Intel's WiMAX products in base stations and/or CPEs fragment and concatenate data into packets for synchronization and improved transmission on OFDM wireless signals between a base station and CPE as claimed in the '866 patent.</p>

Joint Submission Regarding Patents and Products

Wi-LAN's Patents	Description Of Claims Intel Contends Are Relevant To Intel's Non-Infringement ¹	Intel Products And The Features and Functions That Intel Contends To Be Brought Into Issue ²	Intel's Evidence That Wi-LAN Has Asserted Infringement Of Identified Claims / Wi-LAN's Basis For Infringement ³
<p>U.S. Patent 6,693,887</p> <p>Title: "<i>Method For Allocating Fractional Bandwidth In A Fixed-Frame Communication System</i>"</p>	<p>By Intel:</p> <p>The '887 patent regards the allocation of fractional bandwidth requirements of CPEs to constant bit-rate connections in fixed-frame communication systems. In particular, each CPE typically will require a certain amount of bandwidth so that it can transmit information to a base station. To accommodate this, base stations may allocate a number of cells to CPE for transmitting the information. However, the information may not fit perfectly into a particular number of cells. The '887 patent discusses a way to fill frames with fractional bandwidth allocations. This description is based on independent claims 1, 9, 13, 19, and 25.</p>	<p>By Intel:</p> <p>Burst mapping circuitry/software routines in Intel's WiMAX base station and subscriber station products. <i>See</i> Footnote 4. Contrary to Wi-LAN's assertions below, this is only before this Court.</p>	<p>By Intel:</p> <p>For years prior to the filing of this case, Wi-LAN made continuous assertions of the patents-in-suit, including by providing a list of patents directly to Intel and asserting that any of Intel's products complying with the WiMAX standards required a license to the patents, as the Court found in holding that a case or controversy exists sufficient to confer declaratory judgment jurisdiction over this action. <i>See</i> Order Denying Defendant's Motion to Dismiss (June 4, 2009); Intel's Amended Opposition (Apr. 13, 2009). Wi-LAN has refused to provide covenants not to sue for any Intel products under this patent or any of the other patents-in-suit. <i>See</i> Footnote 5.</p>
	<p>By Wi-LAN:</p> <p>Intel has not identified which claims of the '887 patent are relevant to its non-infringement allegations. The '887 patent claims may relate to WiMAX wireless network adapters and chips in base stations and/or CPEs if they allocate fractional bandwidth (or portions of transmission frames) to more efficiently transmit data carried on OFDM wireless signals.</p>	<p>By Wi-LAN:</p> <p>Intel's Amended Complaint contends that its WiMAX Products are at issue for the '887 patent. Intel has confirmed this in Footnote 4. The same products are at issue in the first-filed Texas action. The WiMAX products identified on Intel's website are: Intel's WiMAX/Wi-Fi Link 5350 and 5150 wireless network adapters, and its WiMAX Connection 2400, 2300R, and 2310R chips.</p> <p>Intel's Amended Complaint does not identify the features and functions of its WiMAX products that Intel contends to be brought into issue.</p>	<p>By Wi-LAN:</p> <p>Wi-LAN has never asserted infringement of the '887 patent-in-suit or any other patents against any Intel WiMAX product other than the '068 patent-in-suit for which Wi-LAN is providing a covenant not to sue and the patents Wi-LAN has asserted in the first-filed Texas action (the '222, '802, and '759 patents). Intel has not identified any evidence of such an infringement assertion. <i>See</i> Wi-LAN's Amended Reply Brief (May 7, 2009, D.I. 191) and Middleton Decl. Ex. 12_ (Intel-Wi-LAN meeting, D.I.32). Discovery from Intel would be required for Wi-LAN to determine if Intel's WiMAX products in base stations and/or CPEs allocate fractional bandwidth (or portions of transmission frames) to more efficiently transmit data carried on OFDM wireless signals. as claimed in the '887 patent.</p>

Joint Submission Regarding Patents and Products

Wi-LAN's Patents	Description Of Claims Intel Contends Are Relevant To Intel's Non-Infringement ¹	Intel Products And The Features and Functions That Intel Contends To Be Brought Into Issue ²	Intel's Evidence That Wi-LAN Has Asserted Infringement Of Identified Claims / Wi-LAN's Basis For Infringement ³
<p>U.S. Patent 7,006,530</p> <p>Title: "<i>Method And System For Adaptively Obtaining Bandwidth Allocation Requests</i>"</p>	<p>By Intel:</p> <p>The '530 patent regards a feature for obtaining bandwidth requests from users. In particular, the '530 patent concerns polling a user to obtain bandwidth requests in a manner based on certain communication parameters applicable to the user. This description is based on independent claims 1, 27, 39, 44, and 63.</p>	<p>By Intel:</p> <p>Polling algorithms in Intel's WiMAX base station and subscriber station products in combination with polling functionality implemented in third-party base stations or by a network operator. <i>See</i> Footnote 4. Contrary to Wi-LAN's assertions below, this is only before this Court.</p>	<p>By Intel:</p> <p>For years prior to the filing of this case, Wi-LAN made continuous assertions of the patents-in-suit, including by providing a list of patents directly to Intel and asserting that any of Intel's products complying with the WiMAX standards required a license to the patents, as the Court found in holding that a case or controversy exists sufficient to confer declaratory judgment jurisdiction over this action. <i>See</i> Order Denying Defendant's Motion to Dismiss (June 4, 2009); Intel's Amended Opposition (Apr. 13, 2009). Wi-LAN has refused to provide covenants not to sue for any Intel products under this patent or any of the other patents-in-suit. <i>See</i> Footnote 5.</p>
	<p>By Wi-LAN:</p> <p>Intel has not identified which claims of the '530 patent are relevant to its non-infringement allegations. The '530 patent claims may relate to WiMAX wireless network adapters and chips in base stations and/or CPEs if they poll a user of the network to obtain bandwidth requests adaptively based on certain communications parameters applicable to the user in order to more effectively transmit data on OFDM wireless signals between a base station and CPE.</p>	<p>By Wi-LAN:</p> <p>Intel's Amended Complaint contends that its WiMAX Products are at issue for the '530 patent. Intel has confirmed this in Footnote 4. The same products are at issue in the first-filed Texas action. The WiMAX products identified on Intel's website are: Intel's WiMAX/Wi-Fi Link 5350 and 5150 wireless network adapters, and its WiMAX Connection 2400, 2300R, and 2310R chips.</p> <p>Intel's Amended Complaint does not identify the features and functions of its WiMAX products that Intel contends to be brought into issue.</p>	<p>By Wi-LAN:</p> <p>Wi-LAN has never asserted infringement of the '530 patent-in-suit or any other patents against any Intel WiMAX product other than the '068 patent-in-suit for which Wi-LAN is providing a covenant not to sue and the patents Wi-LAN has asserted in the first-filed Texas action (the '222, '802, and '759 patents). Intel has not identified any evidence of such an infringement assertion. <i>See</i> Wi-LAN's Amended Reply Brief (May 7, 2009, D.I. 191) and Middleton Decl. Ex. 12_ (Intel-Wi-LAN meeting, D.I.32). Discovery from Intel would be required for Wi-LAN to determine if Intel's WiMAX products in base stations and/or CPEs that poll a user of the network to obtain bandwidth requests adaptively based on certain communications parameters applicable to the user in order to more effectively transmit data on OFDM wireless signals between a base station and CPE as claimed in the '530 patent.</p>

Joint Submission Regarding Patents and Products

Wi-LAN's Patents	Description Of Claims Intel Contends Are Relevant To Intel's Non-Infringement ¹	Intel Products And The Features and Functions That Intel Contends To Be Brought Into Issue ²	Intel's Evidence That Wi-LAN Has Asserted Infringement Of Identified Claims / Wi-LAN's Basis For Infringement ³
<p>U.S. Patent 6,956,834</p> <p>Title: "<i>Method And Apparatus For Allocating Bandwidth In A Wireless Communication System</i>"</p>	<p>By Intel:</p> <p>The '834 patent regards a feature for allocating bandwidth in a wireless communications system. In particular, the '834 patent concerns a feature for allocating bandwidth to CPEs by polling the CPEs in accordance with a specific method. This description is based on independent claims 1 and 21-22.</p>	<p>By Intel:</p> <p>Polling algorithms in Intel's WiMAX base station and subscriber station products in combination with polling functionality implemented in third-party base stations or by a network operator. <i>See</i> Footnote 4. Contrary to Wi-LAN's assertions below, this is only before this Court.</p>	<p>By Intel:</p> <p>For years prior to the filing of this case, Wi-LAN made continuous assertions of the patents-in-suit, including by providing a list of patents directly to Intel and asserting that any of Intel's products complying with the WiMAX standards required a license to the patents, as the Court found in holding that a case or controversy exists sufficient to confer declaratory judgment jurisdiction over this action. <i>See</i> Order Denying Defendant's Motion to Dismiss (June 4, 2009); Intel's Amended Opposition (Apr. 13, 2009). Wi-LAN has refused to provide covenants not to sue for any Intel products under this patent or any of the other patents-in-suit. <i>See</i> Footnote 5.</p>
	<p>By Wi-LAN:</p> <p>Intel has not identified which claims of the '834 patent are relevant to its non-infringement allegations. The '834 patent claims may relate to WiMAX wireless network adapters and chips if they allocate bandwidth to CPEs by polling CPEs in accordance with a specific method in order to more effectively transmit data on OFDM wireless signals between a base station and CPE.</p>	<p>By Wi-LAN:</p> <p>Intel's Amended Complaint contends that its WiMAX Products are at issue for the '834 patent. Intel has confirmed this in Footnote 4. The same products are at issue in the first-filed Texas action. The WiMAX products identified on Intel's website are: Intel's WiMAX/Wi-Fi Link 5350 and 5150 wireless network adapters, and its WiMAX Connection 2400, 2300R, and 2310R chips.</p> <p>Intel's Amended Complaint does not identify the features and functions of its WiMAX products that Intel contends to be brought into issue.</p>	<p>By Wi-LAN:</p> <p>Wi-LAN has never asserted infringement of the '834 patent-in-suit or any other patents against any Intel WiMAX product other than the '068 patent-in-suit for which Wi-LAN is providing a covenant not to sue and the patents Wi-LAN has asserted in the first-filed Texas action (the '222, '802, and '759 patents). Intel has not identified any evidence of such an infringement assertion. <i>See</i> Wi-LAN's Amended Reply Brief (May 7, 2009, D.I. 191) and Middleton Decl. Ex. 12_ (Intel-Wi-LAN meeting, D.I.32). Discovery from Intel would be required for Wi-LAN to determine if Intel's WiMAX products allocate bandwidth to CPEs by polling CPEs in accordance with a specific method in order to more effectively transmit data on OFDM wireless signals between a base station and CPE as claimed in the '834 patent.</p>

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Wi-LAN's Patents	Description Of Claims Intel Contends Are Relevant To Intel's Non-Infringement ¹	Intel Products And The Features and Functions That Intel Contends To Be Brought Into Issue ²	Intel's Evidence That Wi-LAN Has Asserted Infringement Of Identified Claims / Wi-LAN's Basis For Infringement ³
<p>U.S. Patent 6,963,617</p> <p>Title: "<i>OFDM Receiver With Adaptive Equalizer</i>"</p>	<p>By Intel:</p> <p>The '617 patent concerns a equalizer for correcting channel distortion in transmissions between bases stations and CPEs. This description is based on independent claim 1.</p> <p>By Wi-LAN:</p> <p>Intel has not identified which claims of the '617 patent are relevant to its non-infringement allegations. The '617 patent claims may relate to WiMAX wireless network adapters and chips if they include an OFDM receiver with an adaptive equalizer to correct distortion in channel transmissions on OFDM wireless signals exchanged between a base station and a CPE.</p>	<p>By Intel:</p> <p>Equalizer circuitry/software routines in Intel's WiMAX base station and subscriber station products. <i>See</i> Footnote 4. Contrary to Wi-LAN's assertions below, this is only before this Court.</p> <p>By Wi-LAN:</p> <p>Intel's Amended Complaint contends that its WiMAX Products are at issue for the '617 patent. Intel has confirmed this in Footnote 4. The same products are at issue in the first-filed Texas action. The WiMAX products identified on Intel's website are: Intel's WiMAX/Wi-Fi Link 5350 and 5150 wireless network adapters, and its WiMAX Connection 2400, 2300R, and 2310R chips.</p> <p>Intel's Amended Complaint does not identify the features and functions of its WiMAX products that Intel contends to be brought into issue.</p>	<p>By Intel:</p> <p>For years prior to the filing of this case, Wi-LAN made continuous assertions of the patents-in-suit, including by providing a list of patents directly to Intel and asserting that any of Intel's products complying with the WiMAX standards required a license to the patents, as the Court found in holding that a case or controversy exists sufficient to confer declaratory judgment jurisdiction over this action. <i>See</i> Order Denying Defendant's Motion to Dismiss (June 4, 2009); Intel's Amended Opposition (Apr. 13, 2009). Wi-LAN has refused to provide covenants not to sue for any Intel products under this patent or any of the other patents-in-suit. <i>See</i> Footnote 5.</p> <p>By Wi-LAN:</p> <p>Wi-LAN has never asserted infringement of the '617 patent-in-suit or any other patents against any Intel WiMAX product other than the '068 patent-in-suit for which Wi-LAN is providing a covenant not to sue and the patents Wi-LAN has asserted in the first-filed Texas action (the '222, '802, and '759 patents). Intel has not identified any evidence of such an infringement assertion. <i>See</i> Wi-LAN's Amended Reply Brief (May 7, 2009, D.I. 191) and Middleton Decl. Ex. 12_ (Intel-Wi-LAN meeting, D.I.32). Discovery from Intel would be required for Wi-LAN to determine if Intel's WiMAX products use an OFDM receiver with an adaptive equalizer to correct distortion in channel transmissions on OFDM wireless signals exchanged between a base station and a CPE as claimed in the '617 patent.</p>

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Wi-LAN's Patents	Description Of Claims Intel Contends Are Relevant To Intel's Non-Infringement ¹	Intel Products And The Features and Functions That Intel Contends To Be Brought Into Issue ²	Intel's Evidence That Wi-LAN Has Asserted Infringement Of Identified Claims / Wi-LAN's Basis For Infringement ³
<p>U.S. Patent 7,023,798</p> <p>Title: "<i>Adaptive Call Admission Control For Use In A Wireless Communication System</i>"</p>	<p>By Intel:</p> <p>The '798 patent concerns a feature relating to adaptive call admission control functionality in a communication system. In particular, the '798 patent relates to controlling the admission or suspension of connections in a communications network based on the capacity of the network, bandwidth commitments, and modulation schemes. This description is based on independent claims 1, 18, 36, and 42.</p>	<p>By Intel:</p> <p>Call admission control algorithms in network operator equipment in combination with signaling circuitry/software routines in Intel's WiMAX base station and subscriber station products. <i>See</i> Footnote 4. Contrary to Wi-LAN's assertions below, this is only before this Court.</p>	<p>By Intel:</p> <p>For years prior to the filing of this case, Wi-LAN made continuous assertions of the patents-in-suit, including by providing a list of patents directly to Intel and asserting that any of Intel's products complying with the WiMAX standards required a license to the patents, as the Court found in holding that a case or controversy exists sufficient to confer declaratory judgment jurisdiction over this action. <i>See</i> Order Denying Defendant's Motion to Dismiss (June 4, 2009); Intel's Amended Opposition (Apr. 13, 2009). Wi-LAN has refused to provide covenants not to sue for any Intel products under this patent or any of the other patents-in-suit. <i>See</i> Footnote 5.</p>
	<p>By Wi-LAN:</p> <p>Intel has not identified which claims of the '798 patent are relevant to its non-infringement allegations. The '798 patent claims may relate to WiMAX wireless network adapters and chips in base stations and/or CPEs if they implement adaptive call admission control using a specific way of monitoring and controlling wireless connections over OFDM channels between base stations and CPEs based on the capacity of the network, bandwidth commitments, and modulation schemes of the OFDM channels.</p>	<p>By Wi-LAN:</p> <p>Intel's Amended Complaint contends that its WiMAX Products are at issue for the '798 patent. Intel has confirmed this in Footnote 4. The same products are at issue in the first-filed Texas action. The WiMAX products identified on Intel's website are: Intel's WiMAX/Wi-Fi Link 5350 and 5150 wireless network adapters, and its WiMAX Connection 2400, 2300R, and 2310R chips.</p> <p>Intel's Amended Complaint does not identify the features and functions of its WiMAX products that Intel contends to be brought into issue.</p>	<p>By Wi-LAN:</p> <p>Wi-LAN has never asserted infringement of the '798 patent-in-suit or any other patents against any Intel WiMAX product other than the '068 patent-in-suit for which Wi-LAN is providing a covenant not to sue and the patents Wi-LAN has asserted in the first-filed Texas action (the '222, '802, and '759 patents). Intel has not identified any evidence of such an infringement assertion. <i>See</i> Wi-LAN's Amended Reply Brief (May 7, 2009, D.I. 191) and Middleton Decl. Ex. 12_ (Intel-Wi-LAN meeting, D.I.32). Discovery from Intel would be required for Wi-LAN to determine if Intel's WiMAX products in base stations and/or CPEs implement adaptive call admission control using a specific way of monitoring and controlling connections over OFDM channels between base stations and CPEs based on the capacity of the network, bandwidth commitments, and modulation schemes of the OFDM channels in the way claimed in the '798 patent.</p>

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Wi-LAN's Patents	Description Of Claims Intel Contends Are Relevant To Intel's Non-Infringement ¹	Intel Products And The Features and Functions That Intel Contends To Be Brought Into Issue ²	Intel's Evidence That Wi-LAN Has Asserted Infringement Of Identified Claims / Wi-LAN's Basis For Infringement ³
<p>U.S. Patent 7,289,467</p> <p>Title: "<i>Adaptive Call Control For Use In A Wireless Communication System</i>"</p>	<p>By Intel:</p> <p>The '467 patent is a division of the application for the '798 patent, and similar to the '798 patent concerns the control of connections in a communications network. In particular, the '467 patent relates to controlling the suspension of connections in a communications network based on the capacity of the network, bandwidth commitments, and modulation schemes. This description is based on independent claims 1, 16, 31, and 47.</p>	<p>By Intel:</p> <p>Call admission control algorithms in network operator equipment in combination with signaling circuitry/software routines in Intel's WiMAX base station and subscriber station products. <i>See</i> Footnote 4. Contrary to Wi-LAN's assertions below, this is only before this Court.</p>	<p>By Intel:</p> <p>For years prior to the filing of this case, Wi-LAN made continuous assertions of the patents-in-suit, including by providing a list of patents directly to Intel and asserting that any of Intel's products complying with the WiMAX standards required a license to the patents, as the Court found in holding that a case or controversy exists sufficient to confer declaratory judgment jurisdiction over this action. <i>See</i> Order Denying Defendant's Motion to Dismiss (June 4, 2009); Intel's Amended Opposition (Apr. 13, 2009). Wi-LAN has refused to provide covenants not to sue for any Intel products under this patent or any of the other patents-in-suit. <i>See</i> Footnote 5.</p>
	<p>By Wi-LAN:</p> <p>Intel has not identified which claims of the '467 patent are relevant to its non-infringement allegations. The '467 patent is a divisional of the application for the '798 patent and relates to similar subject matter. The claims may relate to WiMAX wireless network adapters and chips if they are configured to control wireless connections and bandwidth over OFDM channels between base stations and CPEs using adaptive modulation and other methods based on the capacity of the network, bandwidth commitments, adaptive modulation schemes, and channel quality parameters of the OFDM channels.</p>	<p>By Wi-LAN:</p> <p>Intel's Amended Complaint contends that its WiMAX Products are at issue for the '467 patent. Intel has confirmed this in Footnote 4. The same products are at issue in the first-filed Texas action. The WiMAX products identified on Intel's website are: Intel's WiMAX/Wi-Fi Link 5350 and 5150 wireless network adapters, and its WiMAX Connection 2400, 2300R, and 2310R chips.</p> <p>Intel's Amended Complaint does not identify the features and functions of its WiMAX products that Intel contends to be brought into issue.</p>	<p>By Wi-LAN:</p> <p>Wi-LAN has never asserted infringement of the '467 patent-in-suit or any other patents against any Intel WiMAX product other than the '068 patent-in-suit for which Wi-LAN is providing a covenant not to sue and the patents Wi-LAN has asserted in the first-filed Texas action (the '222, '802, and '759 patents). Intel has not identified any evidence of such an infringement assertion. <i>See</i> Wi-LAN's Amended Reply Brief (May 7, 2009, D.I. 191) and Middleton Decl. Ex. 12_ (Intel-Wi-LAN meeting, D.I.32). Discovery from Intel would be required for Wi-LAN to determine if Intel's WiMAX products are configured to control wireless connections and bandwidth over OFDM channels between base stations and CPEs using adaptive modulation and other methods based on the capacity of the network, bandwidth commitments, adaptive modulation schemes, and channel quality parameters of the OFDM channels in the way claimed in the '467 patent..</p>

Joint Submission Regarding Patents and Products

Wi-LAN's Patents	Description Of Claims Intel Contends Are Relevant To Intel's Non-Infringement ¹	Intel Products And The Features and Functions That Intel Contends To Be Brought Into Issue ²	Intel's Evidence That Wi-LAN Has Asserted Infringement Of Identified Claims / Wi-LAN's Basis For Infringement ³
<p>U.S. Patent 6,925,068</p> <p>Title: "<i>Method And Apparatus For Allocating Bandwidth In A Wireless Communication System</i>"</p>	<p>By Intel:</p> <p>The '068 patent regards a feature for allocating bandwidth to CPEs. In particular, the '068 patent concerns a feature for allocating bandwidth between the uplink and downlink by predicting the amount of bandwidth that will be required by the CPEs based on certain parameters. This description is based on independent claims 1, 19, 25, 27, and 31.</p>	<p>By Intel:</p> <p>Time division duplex (TDD) framing algorithms implemented in network operator equipment used in combination with TDD circuitry/software routines in Intel's WiMAX base station and subscriber station products. <i>See</i> Footnote 4. Contrary to Wi-LAN's assertions below, this is only before this Court.</p>	<p>By Intel:</p> <p>For years prior to the filing of this case, Wi-LAN made continuous assertions of the patents-in-suit, including by providing a list of patents directly to Intel and asserting that any of Intel's products complying with the WiMAX standards required a license to the patents, as the Court found in holding that a case or controversy exists sufficient to confer declaratory judgment jurisdiction over this action. <i>See</i> Order Denying Defendant's Motion to Dismiss (June 4, 2009); Intel's Amended Opposition (Apr. 13, 2009). Wi-LAN has refused to provide covenants not to sue for any Intel products under this patent or any of the other patents-in-suit. <i>See</i> Footnote 5.</p>
	<p>By Wi-LAN:</p> <p>Intel has not identified which claims of the '068 patent are relevant to its non-infringement allegations. The '068 patent claims may relate to WiMAX wireless network adapters and chips if they allocate bandwidth over OFDM wireless signals (or channels) between base stations and CPEs by adaptively duplexing transmissions.</p>	<p>By Wi-LAN:</p> <p>Intel's Amended Complaint contends that its WiMAX Products are at issue for the '068 patent. Intel has confirmed this in Footnote 4. The same products are at issue in the first-filed Texas action. The WiMAX products identified on Intel's website are: Intel's WiMAX/Wi-Fi Link 5350 and 5150 wireless network adapters, and its WiMAX Connection 2400, 2300R, and 2310R chips.</p> <p>Intel's Amended Complaint does not identify the features and functions of its WiMAX products that Intel contends to be brought into issue.</p>	<p>By Wi-LAN:</p> <p>Wi-LAN <i>has asserted</i> this patent against Intel WiMAX products, but a terminal disclaimer filed with the PTO prevents Wi-LAN's enforcement of the patent. <i>Wi-LAN is providing Intel with a covenant not to sue for the '068 patent.</i> Discovery from Intel would be required for Wi-LAN to determine if Intel's WiMAX products allocate bandwidth over OFDM wireless signals (or channels) between base stations and CPEs by adaptively duplexing transmissions as claimed in the '068 patent.</p>

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Wi-LAN's Patents	Description Of Claims Intel Contends Are Relevant To Intel's Non-Infringement ¹	Intel Products And The Features and Functions That Intel Contends To Be Brought Into Issue ²	Intel's Evidence That Wi-LAN Has Asserted Infringement Of Identified Claims / Wi-LAN's Basis For Infringement ³
<p>U.S. Patent 6,728,514</p> <p>Title: "<i>Scalable Wireless Network Topology Systems And Methods</i>"</p>	<p>By Intel:</p> <p>The '514 patent regards a network topology in which network nodes in a geographic area use different types of antennas to send and receive transmissions in accordance with a particular network topology. This description is based on independent claims 1, 19, and 27.</p> <p>By Wi-LAN:</p> <p>Intel has not identified which claims of the '514 patent are relevant to its non-infringement allegations. The '514 patent claims may relate to WiMAX wireless network adapters and chips if they are configured to function as repeaters of OFDM signals in a specific network topology to connect multiple network nodes (<i>e.g.</i>, base stations and/or CPEs).</p>	<p>By Intel:</p> <p>Antenna hardware/software in Intel's WiMAX base station and subscriber station products. <i>See</i> Footnote 4.</p> <p>Additionally, Intel's WiMAX base station and subscriber station products used in a network set up by a network operator in accordance with the claimed network topology. <i>See</i> Footnote 4.</p> <p>Contrary to Wi-LAN's assertions below, this is only before this Court.</p> <p>By Wi-LAN:</p> <p>Intel's Amended Complaint contends that its WiMAX Products are at issue for the '514 patent. Intel has confirmed this in Footnote 4. The same products are at issue in the first-filed Texas action. The WiMAX products identified on Intel's website are: Intel's WiMAX/Wi-Fi Link 5350 and 5150 wireless network adapters, and its WiMAX Connection 2400, 2300R, and 2310R chips.</p> <p>Intel's Amended Complaint does not identify the features and functions of its WiMAX products that Intel contends to be brought into issue.</p>	<p>By Intel:</p> <p>For years prior to the filing of this case, Wi-LAN made continuous assertions of the patents-in-suit, including by providing a list of patents directly to Intel and asserting that any of Intel's products complying with the WiMAX standards required a license to the patents, as the Court found in holding that a case or controversy exists sufficient to confer declaratory judgment jurisdiction over this action. <i>See</i> Order Denying Defendant's Motion to Dismiss (June 4, 2009); Intel's Amended Opposition (Apr. 13, 2009). Wi-LAN has refused to provide covenants not to sue for any Intel products under this patent or any of the other patents-in-suit. <i>See</i> Footnote 5.</p> <p>By Wi-LAN:</p> <p>Wi-LAN has never asserted infringement of the '514 patent-in-suit or any other patents against any Intel WiMAX product other than the '068 patent-in-suit for which Wi-LAN is providing a covenant not to sue and the patents Wi-LAN has asserted in the first-filed Texas action (the '222, '802, and '759 patents). Intel has not identified any evidence of such an infringement assertion. <i>See</i> Wi-LAN's Amended Reply Brief (May 7, 2009, D.I. 191) and Middleton Decl. Ex. 12_ (Intel-Wi-LAN meeting, D.I.32). Discovery from Intel would be required for Wi-LAN to determine if Intel's WiMAX products are configured to function as repeaters of OFDM signals in a specific network topology to connect multiple network nodes (<i>e.g.</i>, base stations and/or CPEs) as claimed in the '514 patent.</p>

Joint Submission Regarding Patents and Products

Wi-LAN's Patents	Description Of Claims Intel Contends Are Relevant To Intel's Non-Infringement ¹	Intel Products And The Features and Functions That Intel Contends To Be Brought Into Issue ²	Intel's Evidence That Wi-LAN Has Asserted Infringement Of Identified Claims / Wi-LAN's Basis For Infringement ³
<p>U.S. Patent 7,177,598</p> <p>Title: "<i>Method And System For Reducing Channel Interference In A Frame-Synchronized Wireless Communication System</i>"</p>	<p>By Intel:</p> <p>The '598 concerns arranging base stations into groups based on whether they are geographically in the same line of sight and other characteristics, and allocating radio channels to base stations within the same group and coordinating network transmissions. This description is based on independent claims 1, 11, 16, 19, 23, 27, 31, 35, 39, 42, 45, and 48.</p>	<p>By Intel:</p> <p>Intel's WiMAX base station and subscriber station products used in a network set up by a network operator in accordance with the claimed line of sight network topology. <i>See</i> Footnote 4.</p> <p>Additionally, channel allocation implemented by a network operator in combination with signaling circuitry/software routines Intel's WiMAX base station and subscriber station products. <i>See</i> Footnote 4.</p> <p>Contrary to Wi-LAN's assertions below, this is only before this Court.</p>	<p>By Intel:</p> <p>For years prior to the filing of this case, Wi-LAN made continuous assertions of the patents-in-suit, including by providing a list of patents directly to Intel and asserting that any of Intel's products complying with the WiMAX standards required a license to the patents, as the Court found in holding that a case or controversy exists sufficient to confer declaratory judgment jurisdiction over this action. <i>See</i> Order Denying Defendant's Motion to Dismiss (June 4, 2009); Intel's Amended Opposition (Apr. 13, 2009). Wi-LAN has refused to provide covenants not to sue for any Intel products under this patent or any of the other patents-in-suit. <i>See</i> Footnote 5.</p>
	<p>By Wi-LAN:</p> <p>Intel has not identified which claims of the '598 patent are relevant to its non-infringement allegations. The '598 patent claims may relate to WiMAX wireless network adapters and chips if they allocate OFDM channels and adapting the modulation used in those OFDM channels in a specific way to reduce channel interference and more effectively transmit data carried on OFDM wireless signals.</p>	<p>By Wi-LAN:</p> <p>Intel's Amended Complaint contends that its WiMAX Products are at issue for the '598 patent. Intel has confirmed this in Footnote 4. The same products are at issue in the first-filed Texas action. The WiMAX products identified on Intel's website are: Intel's WiMAX/Wi-Fi Link 5350 and 5150 wireless network adapters, and its WiMAX Connection 2400, 2300R, and 2310R chips.</p> <p>Intel's Amended Complaint does not identify the features and functions of its WiMAX products that Intel contends to be brought into issue.</p>	<p>By Wi-LAN:</p> <p>Wi-LAN has never asserted infringement of the '598 patent-in-suit or any other patents against any Intel WiMAX product other than the '068 patent-in-suit for which Wi-LAN is providing a covenant not to sue and the patents Wi-LAN has asserted in the first-filed Texas action (the '222, '802, and '759 patents). Intel has not identified any evidence of such an infringement assertion. <i>See</i> Wi-LAN's Amended Reply Brief (May 7, 2009, D.I. 191) and Middleton Decl. Ex. 12_ (Intel-Wi-LAN meeting, D.I.32). Discovery from Intel would be required for Wi-LAN to determine if Intel's WiMAX products allocate OFDM channels and adapt the modulation used in those OFDM channels in a specific way to reduce channel interference and more effectively transmit data carried on OFDM wireless signals as claimed in the '598 patent.</p>

Joint Submission Regarding Patents and Products

Wi-LAN's Patents	Description Of Claims Intel Contends Are Relevant To Intel's Non-Infringement ¹	Intel Products And The Features and Functions That Intel Contends To Be Brought Into Issue ²	Intel's Evidence That Wi-LAN Has Asserted Infringement Of Identified Claims / Wi-LAN's Basis For Infringement ³
<p>U.S. Patent 7,317,704</p> <p>Title: "<i>Method of Assigning Radio Channels In Wireless Network</i>"</p>	<p>By Intel:</p> <p>The '704 patent concerns the manufacturing of base stations. In particular, the '704 patent concerns the assignment of radio channels to base stations during their manufacture. This description is based on independent claims 1 and 2.</p>	<p>By Intel:</p> <p>Third-party base station manufacturing techniques in combination with Intel's WiMAX base station or subscriber station products. <i>See</i> Footnote 4. Contrary to Wi-LAN's assertions below, this is only before this Court.</p>	<p>By Intel:</p> <p>For years prior to the filing of this case, Wi-LAN made continuous assertions of the patents-in-suit, including by providing a list of patents directly to Intel and asserting that any of Intel's products complying with the WiMAX standards required a license to the patents, as the Court found in holding that a case or controversy exists sufficient to confer declaratory judgment jurisdiction over this action. <i>See</i> Order Denying Defendant's Motion to Dismiss (June 4, 2009); Intel's Amended Opposition (Apr. 13, 2009). Wi-LAN has refused to provide covenants not to sue for any Intel products under this patent or any of the other patents-in-suit. <i>See</i> Footnote 5.</p>
	<p>By Wi-LAN:</p> <p>Intel has not identified which claims of the '704 patent are relevant to its non-infringement allegations. The '704 patent claims relate to a specific way of assigning OFDM radio channels during manufacture to WiMAX wireless network adapters and chips to minimize interference between OFDM radio channels.</p>	<p>By Wi-LAN:</p> <p>Intel's Amended Complaint contends that its WiMAX Products are at issue for the '704 patent. Intel has confirmed this in Footnote 4. The same products are at issue in the first-filed Texas action. The WiMAX products identified on Intel's website are: Intel's WiMAX/Wi-Fi Link 5350 and 5150 wireless network adapters, and its WiMAX Connection 2400, 2300R, and 2310R chips.</p> <p>Intel's Amended Complaint does not identify the features and functions of its WiMAX products that Intel contends to be brought into issue.</p>	<p>By Wi-LAN:</p> <p>Wi-LAN has never asserted infringement of the '704 patent-in-suit or any other patents against any Intel WiMAX product other than the '068 patent-in-suit for which Wi-LAN is providing a covenant not to sue and the patents Wi-LAN has asserted in the first-filed Texas action (the '222, '802, and '759 patents). Intel has not identified any evidence of such an infringement assertion. <i>See</i> Wi-LAN's Amended Reply Brief (May 7, 2009, D.I. 191) and Middleton Decl. Ex. 12_ (Intel-Wi-LAN meeting, D.I.32). Discovery from Intel would be required for Wi-LAN to determine if Intel's WiMAX products are assigned OFDM radio channels during manufacture in the specific way claimed in the '704 patent.</p>

Joint Submission Regarding Patents and Products

Wi-LAN's Patents	Description Of Claims Intel Contends Are Relevant To Intel's Non-Infringement ¹	Intel Products And The Features and Functions That Intel Contends To Be Brought Into Issue ²	Intel's Evidence That Wi-LAN Has Asserted Infringement Of Identified Claims / Wi-LAN's Basis For Infringement ³
<p>U.S. Patent 6,577,863</p> <p>Title: "<i>Failure Redundancy Between Modem Interface Cards And Outdoor Units In A Wireless Communication System</i>"</p>	<p>By Intel:</p> <p>The '863 patent relates to the use of redundant base station components in case of failures. This description is based on independent claims 1, 15, 23, 31, 44, and 59.</p>	<p>By Intel:</p> <p>Failure redundancy measures implemented by a network operator in combination with Intel's WiMAX base station products. <i>See</i> Footnote 4. Contrary to Wi-LAN's assertions below, this is only before this Court.</p>	<p>By Intel:</p> <p>For years prior to the filing of this case, Wi-LAN made continuous assertions of the patents-in-suit, including by providing a list of patents directly to Intel and asserting that any of Intel's products complying with the WiMAX standards required a license to the patents, as the Court found in holding that a case or controversy exists sufficient to confer declaratory judgment jurisdiction over this action. <i>See</i> Order Denying Defendant's Motion to Dismiss (June 4, 2009); Intel's Amended Opposition (Apr. 13, 2009). Wi-LAN has refused to provide covenants not to sue for any Intel products under this patent or any of the other patents-in-suit. <i>See</i> Footnote 5.</p>
	<p>By Wi-LAN:</p> <p>Intel has not identified which claims of the '863 patent are relevant to its non-infringement allegations. The '863 patent claims may relate to the use of WiMAX wireless network adapters and chips if they include redundant (or standby) base station components to ensure continued operation and transmission of data carried on OFDM wireless signals in the event of failure of a primary WiMAX wireless network adapter or chip.</p>	<p>By Wi-LAN:</p> <p>Intel's Amended Complaint contends that its WiMAX Products are at issue for the '863 patent. Intel has confirmed this in Footnote 4. The same products are at issue in the first-filed Texas action. The WiMAX products identified on Intel's website are: Intel's WiMAX/Wi-Fi Link 5350 and 5150 wireless network adapters, and its WiMAX Connection 2400, 2300R, and 2310R chips.</p> <p>Intel's Amended Complaint does not identify the features and functions of its WiMAX products that Intel contends to be brought into issue.</p>	<p>By Wi-LAN:</p> <p>Wi-LAN has never asserted infringement of the '863 patent-in-suit or any other patents against any Intel WiMAX product other than the '068 patent-in-suit for which Wi-LAN is providing a covenant not to sue and the patents Wi-LAN has asserted in the first-filed Texas action (the '222, '802, and '759 patents). Intel has not identified any evidence of such an infringement assertion. <i>See</i> Wi-LAN's Amended Reply Brief (May 7, 2009, D.I. 191) and Middleton Decl. Ex. 12_ (Intel-Wi-LAN meeting, D.I.32). Discovery from Intel would be required for Wi-LAN to determine if Intel's WiMAX products use or are used as redundant (or standby) base station components to ensure continued operation and transmission of data carried on OFDM wireless signals in the event of failure of a primary WiMAX base station component.</p>