
United States Court of Appeals

for the

Federal Circuit

RECEIVED
FROM NIGHT BOX
DEC 02 2009

United States Court of Appeals
For The Federal Circuit

In Re Wi-LAN Inc., Petitioner.

~~FILED~~
U.S. COURT OF APPEALS FOR
THE FEDERAL CIRCUIT

PETITION FROM THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA IN CASE
NO. 5:08-CV-4555
JUDGE JAMES WARE

DEC 7 2009

pt
~~JAN HORDALY~~
CLERK

**PETITIONER'S MOTION FOR LEAVE TO FILE A REPLY IN SUPPORT
OF ITS PETITION FOR WRIT OF MANDAMUS**

Robert A. Cote
McKool Smith P.C.
One Bryant Park, 47th Floor
New York, New York 10036
(212) 402-9400

Robert E. Goodfriend
McKool Smith P.C.
300 Crescent Court, Suite 1500
Dallas, Texas 75201
(214) 978-4000

Michael G. McManus
McKool Smith P.C.
1700 K Street, N.W., Suite 740
Washington, D.C. 20006
(202) 370-8300

Seth R. Hasenour
McKool Smith P.C.
300 West 6th Street, Suite 1700
Austin, Texas 78701
(512) 692-8700

Attorneys for Petitioner Wi-LAN Inc.

December 1, 2009

Petitioner Wi-LAN Inc. (“Wi-LAN”) hereby moves for leave to file a reply to the Response filed by Respondent Intel Corporation (“Intel”) to Wi-LAN’s petition for mandamus. Intel’s 30-page opposition with a 380-page additional appendix characterizes the factual record in a manner that requires clarification, and discusses additional evidence not presented to this Court in Wi-LAN’s Petition. *See, e.g.*, Response at 3-11. Furthermore, Intel discusses evidence in its Response not relied upon by the district court in its Order. *Id.* Accordingly, Wi-LAN respectfully requests permission to file a Reply addressing Intel’s Response brief. Wi-LAN’s proposed Reply is filed concurrently herewith.

Counsel for Wi-LAN discussed this motion with counsel for Intel who indicated that Intel does not consent to this motion.

CERTIFICATE OF INTEREST

Pursuant to Federal Circuit Rule 47.4, counsel for Wi-LAN, Inc. certify the following:

1. The full name of every party represented in this case by the undersigned counsel is: Wi-LAN, Inc.


2. The name of the real party in interest (if the party named in the caption is not the real party in interest) represented by the undersigned counsel is: N/A.

3. All parent corporations and any publicly held companies that own 10 percent or more of the stock of the parties represented by the undersigned counsel are: Wi-LAN, Inc., a publicly traded Canadian corporation, has no parent corporation, nor does any publicly held company own more than 10 percent of Wi-LAN, Inc.'s stock.

4. The names of all the law firms and partners or associates who appeared for the parties now represented by the undersigned counsel in the trial court or are expected to appear in this Court are: Robert A. Cote, Robert E. Goodfriend, Michael G. McManus and Seth R. Hasenour of McKool Smith P.C.

Dated: December 1, 2009

McKool Smith, P.C.



Michael G. McManus
Attorneys for Wi-LAN, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on December 1, 2009, I served a true and correct copy of the foregoing Petitioner's Motion for Leave to File a Reply in Support of Its Petition for Writ of Mandamus on the following by Federal Express, overnight delivery:

Adam R. Alper
aalper@kirkland.com
KIRKLAND & ELLIS LLP
555 California Street
San Francisco, CA 94104-1501
(415) 439-1400

John O'Quinn
john.oquinn@kirkland.com
655 Fifteenth Street, N.W.
Washington, DC 20005
(202) 879-5191

John Desmarais
jdesmarais@kirkland.com
Gregory S. Arovas
garovas@kirkland.com
KIRKLAND & ELLIS LLP
153 East 53rd Street
New York, New York 10022-4611
(212) 446-4800

Honorable James Ware
280 South 1st Street
San Jose, CA 95113



Dated: December 1, 2009

Respectfully submitted,

By: 

Robert A. Cote
MCKOOL SMITH P.C.
One Bryant Park, 47th Floor
New York, New York 10036
(212) 402-9400

Michael G. McManus
MCKOOL SMITH P.C.
1700 K Street, N.W., Suite 740
Washington, D.C. 20006
(202) 370-8300

Robert E. Goodfriend
MCKOOL SMITH P.C.
300 Crescent Court, Suite 1500
Dallas, Texas 75201
(214) 978-4000

Seth R. Hasenour
MCKOOL SMITH P.C.
300 West 6th Street, Suite 1700
Austin, Texas 78701
(512) 692-8700

**ATTORNEYS FOR PETITIONER
WI-LAN INC.**