

# **EXHIBIT B**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

WI-LAN, INC.	§	
	§	
v.	§	CIVIL ACTION NO. 2:07-CV-473[TJW]
	§	
ACER, INC., <i>et al.</i>	§	
	§	<b>CONSOLIDATED WITH:</b>
	§	
WI-LAN, INC.	§	
	§	CIVIL ACTION NO. 2:07-CV-474[TJW]
v.	§	
	§	JURY
WESTELL TECHNOLOGIES, INC., <i>et al.</i>	§	
	§	

**DOCKET CONTROL ORDER**

In accordance with the case status conference held herein on the 26th day of August, 2008, it is hereby

**ORDERED** that the following schedule of deadlines is in effect until further order of this court:

- |                          |   |
|--------------------------|---|
| <b>January 4, 2011</b>   | Jury Selection - 9:00 a.m. in <b>Marshall, Texas</b>                            |
| <b>December 20, 2010</b> | Pretrial Conference - 9:30 a.m. in <b>Marshall, Texas</b>                       |
| <b>December 10, 2010</b> | Joint Pretrial Order, Joint Proposed Jury Instructions and Form of the Verdict. |
| <b>December 3, 2010</b>  | <b>Motions <i>in Limine</i> Due</b>   |

The parties are ordered to **meet and confer** on their respective motions *in limine* and **advise the court of any agreements in this regard by 3:00 p.m. the business day before** the pretrial conference. The parties shall limit their motions *in limine* to those issues which; if improperly introduced into the trial of the case would be so prejudicial

that the court could not alleviate the prejudice with appropriate instruction(s).

**December 3, 2010**

**Notice of Request for Daily Transcript or Real Time Reporting of Court Proceedings.** If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Susan Simmons, at lssimmons@yahoo.com.

**November 17, 2010**

Response to Dispositive Motions (including *Daubert* motions).<sup>1</sup>

**Responses to dispositive motions filed prior to the dispositive motion deadline, including *Daubert* Motions, shall be due in accordance with Local Rule CV-7(e). Motions for Summary Judgment shall comply with Local Rule CV56.**

**November 3, 2010**

Deadline for filing Dispositive Motions and any other motions that may require a hearing (including *Daubert* motions).

**October 27, 2010**

Mediation to be completed.

**November 17, 2010**

Defendants to Identify Trial Witnesses.

**November 10, 2010**

Plaintiff to Identify Trial Witnesses.

**October 20, 2010**

Fact Discovery Deadline

\_\_\_\_\_ **30** Days after claim construction ruling designate rebuttal expert witnesses other than claims construction.

\_\_\_\_\_ **15** Days after claim construction ruling to comply with P.R. 3-7

\_\_\_\_\_ **15** Days after claim construction ruling Party with the burden of proof to designate Expert Witnesses other than claim construction.

<sup>1</sup> The parties are directed to Local Rule CV-7(d), which provides in part that “[i]n the event a party fails to oppose a motion in the manner prescribed herein the court will assume that the party has no opposition.” Local Rule CV-7(e) provides that a party opposing a motion has **12 days, in addition to any added time permitted under Fed. R. Civ. P. 6(e)**, in which to serve and file a response and any supporting documents, after which the court will consider the submitted motion for decision.

Expert witness reports due.

**September 1, 2010** Claim construction hearing 9:00 a.m., **Marshall, Texas.**

**August 18, 2010** Deadline for submission of background technology tutorials from each side (if a side wishes to submit a background technology tutorial).

**August 5, 2010** Comply with P.R. 4-5(c).

**July 22, 2010** Comply with P.R. 4-5(b).

**July 1, 2010** Comply with P.R. 4-5(a).

**June 25, 2010** Discovery deadline--claims construction issues.

**May 27, 2010** Comply with P.R. 4-3.

**May 6, 2010** Comply with P.R. 4-2.

**April 8, 2010** Comply with P.R. 4-1.

**December 18, 2009** Respond to Amended Pleadings.

**December 4, 2009** Amend Pleadings.

**(It is not necessary to file a Motion for Leave to Amend before the deadline to amend pleadings except to the extent the amendment seeks to add a new patent in suit. It is necessary to file a Motion for Leave to Amend after the amended pleadings date set forth herein.)**

**June 18, 2009** Join Additional Parties.

**May 8, 2009** Privilege Logs to be exchanged by parties (or a letter to the Court stating that there are no disputes as to claims of privileged documents).

**January 30, 2009** Comply with P.R. 3-4(a).

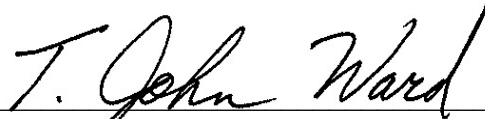
**December 18, 2008** Comply with P.R. 3-3 and 3-4(b).

**October 30, 2008** Comply with P.R. 3-1 and 3-2.

**OTHER LIMITATIONS**

1. All depositions to be read into evidence as part of the parties' case-in-chief shall be **EDITED** so as to exclude all unnecessary, repetitious, and irrelevant testimony; **ONLY** those portions which are relevant to the issues in controversy shall be read into evidence.
2. The Court will refuse to entertain any motion to compel discovery filed after the date of this Order unless the movant advises the Court within the body of the motion that counsel for the parties have first conferred in a good faith attempt to resolve the matter. See Eastern District of Texas Local Rule CV-7(h).
3. The following excuses will not warrant a continuance nor justify a failure to comply with the discovery deadline:
  - (a) The fact that there are motions for summary judgment or motions to dismiss pending;
  - (b) The fact that one or more of the attorneys is set for trial in another court on the same day, unless the other setting was made prior to the date of this order or was made as a special provision for the parties in the other case;
  - (c) The failure to complete discovery prior to trial, unless the parties can demonstrate that it was impossible to complete discovery despite their good faith effort to do so.

SIGNED this 23rd day of September, 2008.



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T. JOHN WARD

UNITED STATES DISTRICT JUDGE