

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

WI-LAN, INC.,)	
)	
Plaintiff,)	Case No. 2:07-CV-473
)	
v.)	CONSOLIDATED WITH:
)	
ACER, INC., <i>et al.</i>)	CIVIL ACTION NO. 2:07-CV-474
)	
Defendants;)	HON. T. JOHN WARD
)	
WI-LAN, INC.)	JURY TRIAL
)	
Plaintiff,)	
)	
v.)	
)	
WESTELL TECHNOLOGIES, INC., <i>et al.</i>)	
)	
Defendants.)	
)	

STIPULATION REGARDING WI-LAN'S MOTION TO COMPEL

Pursuant to Federal Rule of Civil Procedure 29(b), Plaintiff Wi-LAN Inc. and Defendants Acer America Corporation, Apple, Inc., Atheros Communications, Inc., Broadcom Corporation, Dell, Inc., Gateway, Inc., Hewlett-Packard Company, Intel Corporation, Lenovo (United States) Inc., Marvell Semiconductor, Inc., Sony Electronics, Inc., Sony Computer Entertainment America, Inc., Toshiba America Information Systems, Inc., 2Wire, Inc., Belkin International, Inc., Buffalo Technology (USA), Inc., D-Link Systems, Inc., NETGEAR, Inc., and Westell Technologies, Inc. (collectively "Defendants") stipulate and agree as follows:

1. Wi-LAN's Motion to Compel Discovery of Related Products filed June 2, 2009 shall be and is hereby withdrawn;
2. The scope of discovery in this matter shall include discovery concerning products

operating or intended to operate in accordance with the Accused Standards, or marketed as operating in accordance with the Accused Standards, to the extent there are any such products for a particular defendant and such discovery has not already been provided to Wi-LAN in this case. For purposes of this stipulation, "Accused Standards" shall refer to the standards identified in Wi-LAN's October 30, 2008 and December 12, 2008 Infringement Contentions or any amended infringement contentions. Each defendant shall only be responsible for discovery concerning the particular Accused Standards relating to the patents that Wi-LAN has asserted against that Defendant.¹²

3. For clarification purposes, the scope of discovery includes products operating or intended to operate in accordance with Bluetooth 3.0 standards, or marketed as operating in accordance with such standards, to the extent they incorporate the accused Wi-Fi standards identified in Wi-LAN's October 30, 2008 and December 12, 2008 Infringement Contentions or any amended infringement contentions.

4. Intel shall provide discovery concerning Intel products operating or intended to operate in accordance with the accused Bluetooth standards identified in Wi-LAN's October 30, 2008 and December 12, 2008 Infringement Contentions, or marketed as operating in accordance with such standards.

5. For clarification purposes, the scope of discovery in this matter shall also include research and development activities concerning OFDM in wireless products to the extent

¹ Defendants reserve all rights with respect to their other objections that are unrelated to the present issues, including without limitation objections regarding the territorial scope of Plaintiff's discovery requests. Plaintiff has agreed that Defendants' other objections are preserved. Each Defendant will promptly provide Plaintiff with a written letter identifying any categories of documents that are being withheld on the basis of such objections.

² Subject to footnote 1, Defendant NETGEAR shall also produce discovery concerning its product(s) that practice the ITU G.993 (VDSL) standard.

relevant to Wi-LAN's allegation that such discovery bears on obviousness.

6. Nothing herein shall be construed to preclude any parties' rights in future litigation.

Dated: August 9, 2009

Respectfully submitted,

/s Robert M. Parker

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**ATTORNEYS FOR DEFENDANT INTEL
CORPORATION AND BEHALF OF
DEFENDANTS**

Dated: August 9, 2009

/s/ Samuel Franklin Baxter with permission by

Robert M. Parker

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

CERTIFICATE OF SERVICE

I hereby certify that counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system on August 9, 2009 per Local Rule CV-5(a)(3).

/s/ Robert M. Parker
Robert M. Parker