

Court File No. T-556-06

FEDERAL COURT

B E T W E E N :

**WI-LAN INC. and
WI-LAN TECHNOLOGIES CORP.**

Plaintiffs (Defendants by Counterclaim)

- and -

**D-LINK SYSTEMS, INC. and
D-LINK CANADA INC. (d.b.a. D-LINK NETWORKS)**

Defendants (Plaintiffs by Counterclaim)

REPLY TO DEFENCE TO COUNTERCLAIM

1. The plaintiffs by counterclaim ("D-Link") join issue with the positive allegations set out in the Defence to Counterclaim and put the defendants by counterclaim ("Wi-LAN") to the strict proof thereof. In particular:

- (a) with respect to paragraph 11 of the reply and defence to counterclaim, D-Link denies that Wi-LAN has presented "reasonable licensing opportunities", and in particular, prior to the commencement of this action;
- (b) with respect to paragraph 19 of the reply and defence to counterclaim, D-Link denies that the products listed therein are sold in conjunction with the impugned products, so as to warrant an award of convoyed damages or accounting of profits; and
- (c) with respect to paragraph 22 of the reply and defence to counterclaim, D-Link denies that the relief set out in s. 32(2)(c) of the *Competition Act* is available only in the circumstances identified by Wi-LAN.

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Section 32 of the *Competition Act* allows for the grant of relief by this Honourable Court without such a precondition.

2. D-Link maintains that the patent-in-suit and its claims are invalid, void, and of no force or effect for the reasons set out in the statement of defence and counterclaim.

February 15, 2008

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(Filed this 15th day of February, 2008)

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