

SCHEDULE "A"

Court File No. T-556-06

FEDERAL COURT

BETWEEN:

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

**STRIKING/PARTICULARS OF THE STATEMENT OF DEFENCE AND
COUNTERCLAIM DATED APRIL 23, 2007**

1. In regard to paragraph 6 of the Defence, strike or amend the reference to DI-324 at the end of the sentence since no such reference exists in the amended statement of claim.
2. In regard to paragraph 7, strike the phrase "exemplified by the fact" or provide full particulars.
3. In regard to paragraphs 10(b), 10(c), 14 & 15 of the Defence, strike these paragraphs or identify the relevant portion of each prior art document listed in Schedules A & B that, according to the Defendant, alone or in combination, anticipate and/or render obvious each of the claims of the 975 Patent. Also, identify the relevant facts that the Defendants allege are within the "common general knowledge".
4. In regard to paragraphs 10(d), 10(e), 16 & 17 of the Defence, strike these paragraphs or for each claim in the 975 Patent, what are the material facts to support the allegation that each claim is broader in scope than any invention:
 - (a) Made by the named inventor; and

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- (b) Described in the description and drawings.

- 5. In regard to paragraphs 10(f) & 18 of the Defence, strike the open ended expression "for example" or provide full particulars of each allegation of the Defendants that the apparatus and method allegedly do not produce the results stated in the specification and claims of the 975 Patent.

- 6. In regard to paragraphs 10(g), 19 & 20 of the Defence, strike or provide particulars of:
 - (a) The phrase "As pleaded above" since the phrase is vague and ambiguous given no previous reference to claim 7;
 - (b) What matter is alleged to be claimed but not described in the description; and
 - (c) What matter is alleged not to have been invented by the inventors but appears in the claims.

- 7. In regard to paragraphs 10(i), 22 & 34 of the Defence, strike these paragraphs or provide full particulars of:
 - (a) Which claim(s) is/are alleged to have been added which is/are allegedly beyond the subject matter of the application as originally filed; and
 - (b) What alleged misrepresentations in respect of the scope of the prior art was allegedly made to the Examiner

- 8. In regard to paragraph 21:
 - (a) strike the phrase "Without limiting the generality of the foregoing" or provide full particulars of any alleged vagaries or ambiguities;

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- (b) strike either the word "vague" or the word "ambiguous" in reference to any alleged deficiency in the patent, and with respect to any alleged ambiguity, provide particulars of what alternative meanings the Defendants allege the deficiencies can bear.
9. In regard to paragraph 22(b), identify the prior art cited to which reference is made.
10. In regard to paragraph 28 of the Defence, strike this paragraph or provide full particulars in respect of the allegation that the plaintiffs have granted licenses on favourable terms to selected companies and have refused to offer such favourable terms to other potential licensees. In particular, whom do the Defendants allege:
- (a) Have been granted licences on favourable terms; and
 - (b) Have been refused such favourable terms.
11. In regard to paragraph 32 of the Defence, strike or provide particulars of the statement "internationally adopted standards". In particular, what are the allegedly adopted standards with respect to the alleged useful and desirable products plead. Also, in respect of the final sentence, indicate whether the Defendants allege that the Plaintiffs have employed this purported business model with respect to the '975 Patent, and provide particulars of any such allegation.
12. In regard to paragraph 33, define the "market" in which the Plaintiffs are said not to compete.
13. In regard to paragraph 36(a) of the Defence, strike or provide particulars of the statement "well-known practical difficulties associated with an accounting of profits" since the phrase is vague and ambiguous.
14. In regard to paragraph 36(b), define "reasonable, non-discriminatory royalty".

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15. In regard to paragraph 36(c), line 7, strike the repetitive phrase "and the D-Link defendants". Also, identify the "vendors" mentioned.

16. In regard to paragraph 38, define "functional component that enables the wireless exchange of information".

17. In regard to paragraph 40(b), identify the information laid by the Attorney General against the Plaintiffs, or strike this paragraph.