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ATTORNEYS FOR PLAINTIFF WI-LAN INC.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

WI-LAN INC.,

Plaintiff,

v.

RESEARCH IN MOTION CORPORATION,
RESEARCH IN MOTION LTD., MOTOROLA,
INC., UTSTARCOM, INC., LG
ELECTRONICS MOBILE COMM U.S.A.,
AND LG ELECTRONICS, INC.,

Defendants.

Misc. No. 3:10-cv-00859-W-CAB

PENDING IN THE UNITED STATES
DISTRICT COURT FOR THE
EASTERN DISTRICT OF TEXAS

Civil Action No. 2:08-CV-247

JURY TRIAL DEMANDED

**NOTICE OF WITHDRAWAL OF
MOTION TO COMPEL THIRD
PARTY QUALCOMM,
INCORPORATED TO PRODUCE
DOCUMENTS, INFORMATION AND
OBJECTS**

Judge: Bencivengo
Status Conference Date: May 17, 2010
Time of Conference: 2:00 pm

1 Plaintiff Wi-LAN Inc. (“Wi-LAN”) hereby WITHDRAWS its Motion to Compel Non-
2 Party Qualcomm (“Qualcomm”) to Produce Documents, Information and Objects filed April 23,
3 2010 (the “Motion,” Docket entry No. 1). The only matter that Wi-LAN understands to be at
4 issue in connection with its subpoena to Qualcomm is the protections to be afforded Qualcomm’s
5 source code and other highly confidential materials. Wi-LAN and Qualcomm are pleased to
6 inform the Court that they have resolved this issue in the Motion and have agreed to the terms of
7 a supplemental protective order concerning materials to be produced by Qualcomm (the
8 “Supplemental Protective Order”). On May 6, 2010, the United States District Court for the
9 Eastern District of Texas entered the Supplemental Protective Order. Accordingly, Wi-LAN
10 hereby withdraws the Motion.
11

12 However, Wi-LAN respectfully requests that the Court hold open the scheduled May 17,
13 2010 telephone status conference to address any matters that should remain outstanding with
14 respect to Wi-LAN Inc.’s discovery from Non-Party Qualcomm in view of the pending
15 discussions between the parties. Wi-LAN and Qualcomm held a conference on Monday, May
16 10, 2010 to discuss scheduling and production of the information requested in the subpoena. Wi-
17 LAN thus requests that the May 17 status conference be held open to address any outstanding
18 discovery matters that might possibly result from that conference. Wi-LAN proposes to advise
19 the Court no later than May 14 whether it believes that there is any need for the May 17 Status
20 Conference and, if so, the proposed areas for discussion.
21
22

23 Dated: May 10, 2010

Respectfully submitted,

24
25 s/ Laura Handley
26 Laura Handley
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**ATTORNEYS FOR PLAINTIFF
WI-LAN, INC.**

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CERTIFICATE OF SERVICE

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2 I, hereby certify that on May 10, 2010, a copy of Wi-LAN Inc.'s Notice of Withdrawal of
3 Motion to Compel Third Party Qualcomm, Incorporated to Produce Documents, Information and
4 Objects was served upon all counsel of record in the litigation pending in the Eastern District of
5 Texas referenced in the above caption and was served upon counsel for Qualcomm,
6 Incorporated, David Kays, McDermott, Will & Emery, 275 Middlefield Road, Suite 100, Menlo
7 Park, CA, via the Southern District of California's Electronic Case Filing System in accordance
8 with Section 2(d)(2) of the Southern District of California's Electronic Case Filing
9 Administrative Policies and Procedures

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11 s/ Laura Handley
12 Laura Handley
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