

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

WI-LAN, INC.)	CIVIL ACTION NO. 2:08-CV-247 (TJW)
)	
Plaintiff,)	JURY
v.)	
)	
RESEARCH IN MOTION CORPORATION)	HON. T. JOHN WARD
et al.)	
)	
Defendants.)	
)	
)	

**JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT
PURSUANT TO PATENT RULE 4-3**

Pursuant to Patent Rule 4-3 and the Court’s Docket Control Order, the Plaintiff Wi-LAN, Inc. (“Wi-LAN”) and Defendants Motorola, Inc., UTStarcom, Inc., LG Electronics Mobilecomm U.S.A., Inc., and Personal Communications Devices, LLC (collectively “Defendants”) hereby submit this Joint Claim Construction Statement.

A. CONSTRUCTION OF THOSE CLAIM TERMS, PHRASES, OR CLAUSES ON WHICH THE PARTIES AGREE

The Parties agree to the construction of the following term:

Term	Claim	Agreed Construction
χ	7	a real value that when multiplied by the duration of one time domain sample provides the maximum expected clock error

B. EACH PARTY'S PROPOSED CONSTRUCTION OF EACH DISPUTED CLAIM TERM, PHRASE, OR CLAUSE, TOGETHER WITH AN IDENTIFICATION OF INTRINSIC AND OTHER EVIDENCE

Exhibits A and B, attached hereto, identify the disputed claim terms. Exhibit A contains Defendants' proposed constructions for each disputed claim term and intrinsic and other evidence supporting Defendants' proposed constructions; Exhibit B contains Wi-LAN's proposed constructions for each disputed claim term and intrinsic and other evidence supporting Wi-LAN's proposed constructions.

C. THE ANTICIPATED LENGTH OF TIME NECESSARY FOR THE CLAIM CONSTRUCTION HEARING

The Parties anticipate that the Claim Construction Hearing will take no longer than four hours, two hours per side.

D. POSSIBLE WITNESSES AT THE CLAIM CONSTRUCTION HEARING

In accordance with P.R. 4-3(d), Defendants provide Exhibit C and Wi-LAN provides Exhibit D.

Dated: January 11, 2010

Respectfully submitted,

/s/ Michael E. Jones

Michael E. Jones
State Bar No. 10929400
John F. Bufe
State Bar No. 03316930
Allen F. Gardner
State Bar No. 24043679
POTTER MINTON
A Professional Corporation
110 N. College, Suite 500
P.O. Box 359
Tyler, Texas 75702
Telephone: (903) 597-8311
Facsimile: (903) 593-0846
mikejones@potterminton.com
johnbufe@potterminton.com
allengardner@potterminton.com

**ATTORNEY FOR DEFENDANT
MOTOROLA, INC. AND
ON BEHALF OF DEFENDANTS**

/s/ Sam Baxter, with permission by Michael E. Jones

Samuel F. Baxter
TX State Bar No. 01938000
McKool Smith, P.C.
104 East Houston Street, Suite 200
Marshall, TX 75670
Telephone: (903) 923-9000
Facsimile: (903) 923-9099
sbaxter@mckoolsmith.com

Robert A. Cote
NY State Bar No. 2331957
McKool Smith, P.C.
One Bryant Park, 47th Floor
New York, NY 10036
Telephone: (212) 402-9400
Facsimile: (212) 402-9444
rcote@mckoolsmith.com

ATTORNEYS FOR PLAINTIFF WI-LAN, INC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all 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 per Local Rule CV-5(a)(3) on January 11, 2010. Any other counsel of record will be served by First Class U.S. mail on this same date.

/s/ Michael E. Jones