

EXHIBIT 1

McKool Smith

A PROFESSIONAL CORPORATION • ATTORNEYS

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BY EMAIL

Adam R. Alper
Kirkland & Ellis LLP
555 California Street
San Francisco, CA 94104
Email: aalper@kirkland.com

RE: *Intel v. Wi-LAN*, 5:08-cv-4555 (N.D. Cal.)

Dear Adam:

Pursuant to the First Patent Scheduling Order in this action (Dkt. No. 226) and the subsequent order extending time (Dkt. No. 254), Wi-LAN has completed its discovery analysis regarding the Adaptive Allocation patents and the WiMAX products identified by Intel as at issue. Based on that discovery Wi-LAN has determined that it will not assert any of the claims of the Adaptive Allocation patents against Intel in answer to Intel's declaratory judgment complaint.

Sincerely,

/s/ Eric Berger
Eric Berger

cc: Greg Arovas (by email)
Gianni Cutri (by email)
James Shimota (by email)
Amy Schofield (by email)
John R. Edwards (by email)
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