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7
8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10
11 INTEL CORPORATION,

12 Petitioner

13 v.

14 PROCOPIO, CORY, HARGREAVES &
15 SAVITCH LLP,

16 Respondent.

) CASE NO. 3:10-cv-00264-JLS (BLM)
)
) [WI-LAN INC. V. ACER, INC., ET AL., CIVIL
) ACTION NO. 2:07-CV-473 (U.S. DISTRICT
) COURT FOR THE EASTERN DISTRICT OF
) TEXAS, MARSHALL DIVISION)]
) **JOINT MOTION FOR STIPULATION**
) **REGARDING INTEL'S MOTION TO**
) **COMPEL**

1 Pursuant to Federal Rule of Civil Procedure 29(b) and Civ. L.R. 7.2, Petitioner Intel
2 Corporation (“Intel”) and Respondent Procopio, Cory, Hargreaves & Savitch LLP (“Procopio”)
3 stipulate and agree as follows:

- 4 1. Petitioner Intel’s Motion to Compel Procopio, Cory, Hargreaves & Savitch LLP to Produce
5 Withheld Documents Responsive to the Subpoena of Intel Corporation, filed May 12, 2010, shall
6 be and is hereby withdrawn.
- 7 2. Subject to its objections Procopio certifies that it has conducted a reasonably thorough and
8 diligent search for all documents that Procopio understands to be responsive to Intel’s subpoena
9 and that this search was not limited to the ‘759 patent.
- 10 3. As described in paragraphs 7-9 of the Campbell Declaration (Doc. No. 22), incorporated herein,
11 Procopio's search for nonprivileged responsive documents spanned the relevant '759-related
12 patent prosecution files; electronic files; general files; and email.
- 13 4. No licensing or transactional-related document was excluded or withheld because it dealt with an
14 Ensemble patent that was not directly related to the ’759 patent.
- 15 5. Procopio has provided a privilege log for any responsive documents withheld on the grounds of
16 privilege.
- 17 6. As part of the search described in paragraphs 2-5, Procopio has produced or logged on a
18 privilege log:
 - 19 (a) Every single patent prosecution file that relates to the ‘759 Patent, or to a
20 related patent (as Intel defined that concept in its Subpoena);
 - 21 (b) All Wi-LAN non-patent prosecution files;
 - 22 (c) All electronic records in Mr. Campbell’s “Wi-LAN” Outlook folder;
 - 23 (d) All documents relating to licensing, or to the sale of the ‘759 patent, related
24 patents (as defined in Intel’s subpoena), and any other Ensemble or Wi-LAN
25 patent.
 - 26 (e) Documents Procopio understands to be responsive to all other requests in
27 Intel’s subpoena, including the catch-all requests for prior art and for materials
28

1 relating to invalidity or unenforceability.
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3 7. Procopio has not searched for responsive documents in the following:
4

- 5 (a) Certain patent prosecution files described in Intel's Motion as the Other
6 Ensemble Patents;
- 7 (b) Other patent prosecution files for pending patent applications assigned to Wi-
8 LAN (the "Other Pending Patent Cases"); and
- 9 (c) Patricia Newton's files.

10 8. On or before July 15, 2010, Procopio shall produce the nonprivileged contents of the prosecution
11 files of U.S. Patent Nos. 7,197,022; 7,177,598; 7,023,798; 7,006,530; 6,956,834; 6,944,188;
12 6,925,068; 6,804,211; 6,693,887; 6,577,863; 6,459,687; 7,177,275; 7,577,100; 7,379,441;
13 7,289,467 (the "Other Ensemble Patents") and shall produce a privilege log by August 13, 2010.

14 9. Intel acknowledges and agrees that Procopio will not search the patent prosecution files for any
15 of the Other Pending Patent Cases and will not produce nonprivileged documents or log
16 privileged documents from the Other Pending Patent Cases.
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18 10. Nonetheless, on or before July 2, 2010, Procopio shall perform a search of Patricia Newton's
19 documents and produce or log on a privilege log any document, email or other information
20 which contains any of the following search terms: Ensemble; Wi-LAN; Zaghoul; Fattouche;
21 759; 802; 222; 441; 467; 022; 598; 798; 530; 834; 188; 068; 211; 887; 863; 687; 275; 100;
22 Spinar; Stanwood; Arviv; Gazelle; Zimmerman; Efraim; Spuhler; Ron; Hank; McAndrews;
23 MHM; Hildy; Shandell; Broadcom; Tate; Sugerman; GMP; IPValue; and Fujitsu. By no later
24 than June 24, 2010 Intel and Procopio shall establish a procedure whereby duplicative or
25 irrelevant information (*i.e.* docketing notices, calendar notices, etc.) are excluded from the search
26 described in this paragraph
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1 11. Subject to the terms and conditions of this Stipulation, including specifically but without
2 limitation paragraphs 8, 9, and 10, Intel retains its rights or ability to seek further redress
3 concerning the Intel subpoena or any production or lack thereof, and Procopio retains its rights or
4 ability to assert its objections to the Subpoena, including without limitation the assertions of
5 privilege on Procopio's privilege logs.
6

7 DATED: June 17, 2010

Respectfully submitted,

8 /s Amy R. Schofield

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14 ATTORNEYS FOR PETITIONER INTEL
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15
16 DATED: June 17, 2010

/s Laura Handley

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that counsel of record are being served with a copy of this **JOINT MOTION FOR STIPULATION REGARDING INTEL'S MOTION TO COMPEL** via electronic mail on June 17, 2010.

/s Amy R. Schofield

Amy R. Schofield

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