

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

WI-LAN, INC.)	
)	
Plaintiff,)	CIVIL ACTION NO. 2:07-CV-473
v.)	
)	
ACER, INC., et al.)	CONSOLIDATED THROUGH
)	MARKMAN WITH:
Defendant;)	
)	
)	CIVIL ACTION NO. 2:07-CV-474
WI-LAN, INC.)	
)	HON. T. JOHN WARD
Plaintiff,)	
v.)	JURY
)	
WESTELL TECHNOLOGIES, INC., et al.)	
)	
Defendant.)	

WI-LAN, INC.)	
)	
Plaintiff,)	CIVIL ACTION NO. 2:08-CV-247
v.)	
)	
RESEARCH IN MOTION CORPORATION, et al.)	JURY
)	
Defendant;)	

JOINT MOTION TO AMEND DOCKET CONTROL ORDER

Plaintiff and Defendants (the “Parties”) jointly move to amend the September 23, 2008 Docket Control Order and the April 13, 2009 Order that amended the original Docket Control Order in the 2:07-cv-473 case, and the August 25, 2009 Docket Control order in the 2:08-cv-247 case. Specifically, the parties collectively ask the court to make the following amendments:

- (1) to set the following deadlines:
 - (i) for parties with the burden of proof to designate expert witnesses concerning the '222 and '802 patents on October 1, 2010;
 - (ii) for parties with the burden of proof to designate expert witnesses concerning the '759 and '323 patents (for the *Acer* and *Westell* Actions only) on October 27, 2010 or 15 days after the *Markman* ruling on the '759 and '323 patents, whichever occurs later;
 - (iii) the deadline to designate rebuttal expert witnesses on the '222 and '802 patents on October 29, 2010 and that the experts would be made available for deposition during the weeks of November 8, 2010 and November 15, 2010; and
 - (iv) the deadline to designate rebuttal expert witnesses on the '759 and '323 (for the *Acer* and *Westell* Actions only) patents on November 23, 2010 or 45 days after the *Markman* ruling on the '759 and '323 patents, whichever occurs later and that the experts would be made available for deposition during the week of December 6, 2010, unless the *Markman* ruling is after October 27, 2010, in which case, the parties will work cooperatively to make the experts available for deposition;
- (2) to extend the deadline to comply with P.R. 4-1 from April 8, 2010 to May 14, 2010;
- (3) to extend the deadline to comply with P.R. 4-2 from May 6, 2010 to May 27, 2010;
- (4) to extend the deadline to comply with P.R. 4-3 from May 27, 2010 to June 10, 2010; and
- (5) The Parties have agreed that expert declarations may be served and filed contemporaneously with the respective Patent Rule 4-5 claim construction briefs. The Parties further agree that Plaintiff will make its expert(s) available for deposition during the week of July 12, 2010 and that Defendants will make their expert(s) available for deposition during the week of July 26, 2010.

The Claim Construction hearing for two of the patents-in-suit was held on March 11, 2010. The Claim Construction hearing for the remaining two patents-in-suit is scheduled for September 1, 2010. The Parties respectfully request that expert reports relating to all four patents be due in accordance with the deadlines set forth above.

Dated: March 26, 2010

Respectfully submitted,

/s/ Robert M. Parker, with permission
by Michael E. Jones

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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 March 26, 2010. Any other counsel of record will be served by First Class U.S. mail on this same date.

/s/ Michael E. Jones _____