

Federal Court



CANADA

Cour fédérale

Date: 20060823

Docket: T-556-06

Toronto, Ontario, August 23, 2006

PRESENT: Madam Prothonotary Milczynski

BETWEEN:

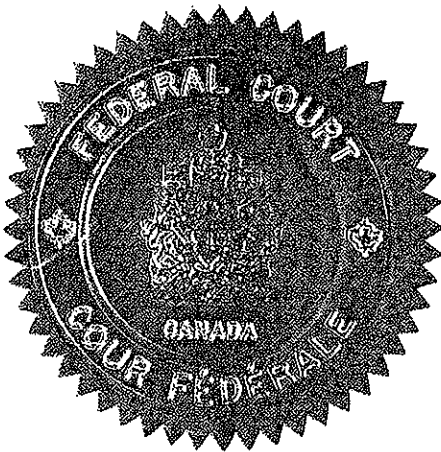
WI-LAN TECHNOLOGIES CORP.

Plaintiff

and

D-LINK SYSTEMS, INC., and
D-LINK CANADA INC.
(d.b.a. D-LINK NETWORKS)

Defendants



ORDER

UPON MOTION by the Defendants D-Link Systems, Inc. and D-Link Canada Inc. for an order striking out portions of the amended statement of claim, and for further time in which to file a statement of defence, returnable August 21, 2006;

AND UPON reviewing the motion record of the Defendants, and the responding motion record of the Plaintiff, and upon hearing the submissions of counsel for the Defendants and of counsel for the Plaintiff;

THIS COURT ORDERS that

1. Subparagraph 1(e) of the statement of claim is struck out with leave to amend.
2. The Plaintiff shall provide further particulars to paragraph 11 of the statement of claim insofar as it alleges that the defendants have constructed, used, sold, and offered for sale products infringing claims 2, 3, 4, 5, 6, 15, 16, 17, 18, 19, and 20 of the patent in suit.
3. The Plaintiff shall serve and file a newly amended statement of claim reflecting this Order, within ten (10) days of the date of this Order.
4. The Defendants shall have leave to serve and file their statement of defence within thirty (30) days of being served with the plaintiff's newly amended statement of claim.
5. The balance of the motion is dismissed.
6. Costs are in the cause.

I HEREBY CERTIFY that the above document is a true copy of the original issued out of / filed to the Court on the 03 day of Aug A.D. 2006
Dated this 25 day of Aug 2006
M.P.

"Martha Milczynski"

Prothonotary