

FEDERAL COURT

BETWEEN:

WI- LAN INC. and WI-LAN TECHNOLOGIES CORP.

Plaintiffs/Defendants by Counterclaim

-and-

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

Defendants/Plaintiffs by Counterclaim

NOTICE OF MOTION

(Re: Particulars of the Statement of Defence dated April 23, 2007)

TAKE NOTICE that the Plaintiffs, Wi-LAN Inc. and Wi-LAN Technologies Corp. (collectively, “Wi-LAN”), will make a motion to the Court, for 2 hours, on a date to be set by the case management judge/prothonotary (to be appointed), at the Federal Court of Canada in Toronto.

THIS MOTION IS FOR:

1. An Order requiring the Defendants to strike or provide particulars of the Statement of Defence and Counterclaim, as indicated in Schedule “A”, within three weeks of the disposition of this motion.
2. An Order extending the time for delivery of a Reply and Defence to Counterclaim until three weeks after the later of the disposition of this motion and the provision of the particulars ordered pursuant to paragraph 1.
3. The costs of this motion.
4. Such further and other relief as this Honourable Court may seem just.

THE GROUNDS FOR THE MOTION ARE:

5. The proceeding concerns allegations of infringement and invalidity pertaining to Canadian Patent No. 2,064,975, a patent that pertains to technology involved in wireless internet technologies (“Wi-Fi” or “802.11a/b/n”).

6. The Statement of Claim in this proceeding was issued on March 28, 2006 and amended on May 25, 2006.

7. The Defendants moved to strike allegations from the Wi-LAN’s pleading, or, in the alternative, requiring Wi-LAN to provide further particulars. By Order of Prothonotary Milczynski dated August 23, 2006, Wi-LAN was ordered to provide further particulars of their allegations. Wi-LAN served a third amended pleading on September 1, 2006.

8. The Defendants appealed the August 23, 2006 Order, again seeking to strike allegations from Wi-LAN’s claim. The Defendant’s appeal was granted in part by Order dated December 12, 2006 (amended January 8, 2007).

9. By order dated March 22, 2007, on consent, Wi-LAN Inc. was added as a party by a further amendment to the pleading.

10. For the first time, on April 23, 2007, Wi-LAN was served with a Statement of Defence and Counterclaim.

11. The Statement of Defence and Counterclaim is complex, including at least nine discrete attacks on the patent at issue, and citing 71 pieces of prior art.

12. Passages from the Statement of Defence and Counterclaim are vague or ambiguous, do not provide fair notice of Wi-LAN’s case to meet, and are incapable of precise or rational response.

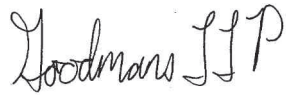
13. Accordingly, Wi-LAN, by its previous counsel, served a demand for particulars on May 2, 2007.
14. On May 4, 2007, Wi-LAN served a Notice of Change of Solicitors, appointing Goodmans LLP as their counsel.
15. On May 8, 2007, Wi-LAN was served with a Notice of Status Review, suspending its prosecution of this proceeding.
16. On September 7, 2007, by Order of Prothonotary Milczynski, the status review was resolved and a schedule of steps for the proceeding was established.
17. On September 28, 2007, Wi-LAN served a revised demand for particulars.
18. To date, the Defendants have not provided any particulars in respect of their pleas.
19. The failure of the Defendants to provide particulars would threaten the most just, expeditious and least expensive determination of the issues in this proceeding.
20. Rules 3-8, 174, 181 and 221 of the *Federal Courts Rules*.

THE FOLLOWING DOCUMENTARY EVIDENCE WILL BE USED AT THE HEARING OF THE MOTION:

21. Statement of Claim dated March 22, 2007.
22. Statement of Defence dated April 23, 2007.
23. Canadian Patent No. 2,064,975.
24. Affidavit of Nicole Roth dated September 28, 2007.
25. Further affidavit to be sworn.

26. Such further and other materials as counsel may advise and this Honourable Court may permit.

Dated at Toronto, Ontario this 28th day of September 2007.



GOODMANS LLP
Barristers & Solicitors
250 Yonge Street, Suite 2400
Toronto, Canada M5B 2M6

H.B. Radomski
Richard Naiberg
Miles Hastie

Tel: 416. 979.2211
Fax: 416.979.1234
Counsel for the Plaintiffs

TO: **DIMOCK STRATTON LLP**

20 Queen Street West, Suite 3202
Toronto, Ontario
M5H 3R3

Bruce W. Stratton
Jenna L. Wilson
Etienne P. de Villiers

Tel: (416) 971- 7202 Fax: (416) 971-6638

Solicitors for the Defendants/ Plaintiffs by Counterclaim

FEDERAL COURT

B E T W E E N :

**WI-LAN INC. and WI-LAN TECHNOLOGIES
CORP.**

Plaintiffs (Defendants by Counterclaims)

- and -

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

Defendants (Plaintiffs by Counterclaims)

NOTICE OF MOTION

(Re: Particulars of the Statement of Defence dated April 23, 2007)

GOODMANS LLP

Barristers & Solicitors
250 Yonge Street, Suite 2400
Toronto, Canada M5B 2M6

H.B. Radomski
Richard Naiberg
Miles Hastie

Tel: 416.979.2211
Fax: 416.979.1234

Solicitors for the Plaintiffs
WI-LAN Inc. and WI-LAN Technologies Corp.