

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

WI-LAN INC.,

Plaintiff,

v.

LG ELECTRONICS, INC. and LG  
ELECTRONICS U.S.A., INC.,

Defendants.

**No. 10-CV-432 (LAK)(AJP)**

**NOTICE OF PLAINTIFF WI-LAN INC.'S  
MOTION FOR RECONSIDERATION OF THE COURT'S RULING  
REGARDING THE PROTECTIVE ORDER**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, and upon all pleadings and proceedings previously had herein, the undersigned, counsel for Plaintiff Wi-LAN Inc., will move this Court, located in Room 12D of the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, at a date and time to be determined by the Court, for an Order:

1. Modifying the Protective Order entered in this matter on July 26, 2010 such that the current Paragraphs 4(a)(i) and 4(b) are deleted and replaced with the following text:

- a. Basic Principles.

- (i) A Receiving Party may only use Designated Material for this case or any related appellate proceeding, and not for any other purpose whatsoever, including without limitation any other litigation, patent prosecution or acquisition (excluding activities conducted in the context of post-grant proceedings including reexamination or opposition proceedings filed in relation to the patent-in-suit or foreign counterparts), or any business or competitive purpose or function. Designated Material shall not be distributed, disclosed or made available to anyone except as expressly provided in this Order.

- b. Prosecution Bar. Absent the written consent of the

Producing Party, any person that has the right to access materials designated CONFIDENTIAL ATTORNEYS' EYES ONLY or CONFIDENTIAL - OUTSIDE ATTORNEYS' EYES ONLY - SOURCE CODE shall not be involved in the preparation or prosecution before a Patent Office of any patent, patent application, or in drafting or revising patent claims (excluding such activities conducted in the context of post-grant proceedings including reexamination or opposition proceedings filed in relation to the patent-in-suit or foreign counterparts) relating to the subject matter of such information or of the lawsuit or Patents-in-Suit (including but not limited to any application claiming priority to or otherwise related to the patents asserted in this action), before any foreign or domestic agency, including the United States Patent and Trademark Office. For purposes of this paragraph, "prosecution" includes, without limitation:

(i) the drafting or amending of patent claims, or the supervising of the drafting or amending of patent claims (excluding such activities conducted in the context of post-grant proceedings including reexamination or opposition proceedings filed in relation to the patent-in-suit or foreign counterparts); and

(ii) advising any client concerning strategies for obtaining or preserving patent rights (excluding such activities conducted in the context of post-grant proceedings including reexamination or opposition proceedings filed in relation to the patent-in-suit or foreign counterparts) in the above-listed field.

This prohibition on patent prosecution shall begin when access to Designated Material is first received by the affected individual, and shall end two (2) years after the final resolution of this action, including all appeals.

2. Granting such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that counsel for Plaintiff discussed this Motion with counsel for Defendants, who would not agree to the modification of the Protective Order.

DATED: August 2, 2010

Respectfully submitted,

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/s/ Matthew C. Holohan

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