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*Attorney for Plaintiffs,
WI-LAN USA, INC. and WI-LAN, INC.*

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

APPLE INC.,

Plaintiff,

v.
WI-LAN, INC.,

Defendant.

No. 3:14-cv-2235-DMS-BLM (Lead Case); Consolidated with No. 3:14-cv-1507-DMS-BLM
No. 3:13-cv-0798-DMS-BLM
DEMAND FOR JURY TRIAL

**JOINT MOTION FOR AN ORDER
MODIFYING SCHEDULING ORDER**

WI-LAN USA, INC. and WI-LAN, INC.,

Plaintiffs,

v.
APPLE INC.,

Defendant.

**Department: 13A
Judge: Hon. Dana M. Sabraw
Magistrate: Hon. Barbara L. Major**

1 On May 15, 2017, Wi-LAN served Amended Infringement Contentions adding:
2 (i) additional accused products that were released during the two-year stay of this
3 litigation; (ii) seven additional asserted independent (and dependent) claims for the
4 already-asserted patents; and (iii) adding U.S. Patent 8,311,040 (“’040 patent”) which was
5 at issue in the prior litigation, *Wi-LAN v. Apple*, 3:13-cv-0798. Wi-LAN
6 contemporaneously served a First Amended Answer adding the ’040 patent and filed Wi-
7 LAN’s Motion to Modify the Scheduling Order and Granting Leave to File a First
8 Amended Answer (Dkt. 117) (“Wi-LAN’s Motion to Amend”). In its Motion to Amend,
9 Wi-LAN seeks to modify the deadline to serve amended pleadings so that it may file its
10 First Amended Answer.

11 Apple has agreed to not oppose Wi-LAN’s Motion to Amend,¹ in exchange for an
12 additional two weeks to prepare its Invalidity Contentions to address the additional claims
13 and patent asserted by Wi-LAN.

14 Accordingly, the parties jointly move the Court for an Order granting Wi-LAN’s
15 Motion to Amend the deadline to serve amended pleadings and modifying the Scheduling
16 Order (Dkt. 116) to provide Defendant Apple with an additional two weeks to prepare its
17 Invalidity Contentions.² Subsequent dates leading up to the Claim Construction Hearing
18 on October 30, 2017 have been adjusted below. The proposed amended deadlines do not
19 impact the Court’s Claim Construction Hearing date.

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24 _____
25 ¹ Apple reserves all defenses and rights, including the right to respond under Federal Rule
26 of Civil Procedure 12(b), (c), (e), or (f), with respect to Wi-LAN’s First Amended
27 Answer.

28 ² With respect to Apple’s production under Patent Local Rule 3-4(a) of source code and
other technical documentation related to the Accused Instrumentalities, Apple has agreed
to take reasonable efforts to produce what it can by the current deadline of June 15, 2017,
and the rest by the proposed amended Invalidity Contentions deadline.

1 Good cause exists because granting this motion will relieve the Court of
 2 unnecessary motion practice with respect to Wi-LAN Motion to Amend without
 3 impacting the Court's Claim Construction Hearing date or the scheduled trial date. *See*
 4 Dkt. 117-1 at 5-7.

5 Amended Deadlines	Current Deadline	Proposed Amended Deadline
6 Serve Amended Pleadings	1/23/2015	5/15/2017
7 Serve Invalidity 8 Contentions	6/15/2017	6/29/2017
9 Exchange of Preliminary 10 Claim Constructions	6/29/2017	7/13/2017
11 Exchange of Responsive 12 Claim Constructions	7/13/2017	7/27/2017
13 File Joint Claim 14 Construction Chart	7/27/2017	8/10/2017
15 Completion of Claim 16 Construction Discovery	8/24/2017	9/7/2017
17 File Opening Claim 18 Construction Briefs	8/24/2017	9/7/2017
19 File Responsive Claim 20 Construction Briefs	9/25/2017	10/9/2017

21 Respectfully Submitted,

22 Dated: May 31, 2017

PATTERSON LAW GROUP

By: /s/ Allison H. Goddard

Attorney for Plaintiff WI-LAN, INC.

23 Dated: May 31, 2017

MILBANK, TWEED, HADLEY & McCLOY LLP

By: /s/ Ashlee N. Lin

Attorney for Apple Inc.

SIGNATURE CERTIFICATION

Pursuant to Section 2(f)(4) of the Electronic Case Filing Administrative Policies and Procedures Manual, I hereby certify that the content of this document is acceptable to Ms. Ashlee N. Lin, counsel for Apple Inc., and that I have obtained her authorization to affix her electronic signatures to this document.

Dated: May 31, 2017

Respectfully Submitted,

PATTERSON LAW GROUP

By: /s/ Allison H. Goddard
Attorney for Plaintiff WI-LAN, INC.

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