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INC.

17 UNITED STATES DISTRICT COURT
18 SOUTHERN DISTRICT OF CALIFORNIA

19 APPLE INC.,
20 Plaintiff,
21 v.
22 WI-LAN, INC.,
23 Defendant.

CASE NO. 3:14-cv-02235-DMS-BLM
(lead case);
CASE NO. 3:14-cv-1507-DMS-BLM
(consolidated)

**JOINT MOTION TO TAKE
DEPOSITION AFTER EXPERT
DISCOVERY DEADLINE**

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

26 AND RELATED
27 COUNTERCLAIMS
28

1 Under the Order Granting Joint Motion for an Order Modifying Scheduling
 2 Order, the deadline for expert discovery is April 16, 2018. Dkt. No. 280. Apple
 3 Inc. and Wi-LAN, Inc. jointly request permission to take one deposition after the
 4 April 16, 2018 expert discovery deadline, as set out below:

| Deponent Name | Proposed Deposition Date |
|---------------|--------------------------|
| David Kennedy | April 18, 2018 |

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 8 As set forth in the accompanying declaration, good cause exists to permit Mr.
 9 Kennedy's deposition to occur after the April 16, 2018 expert discovery deadline.
 10 The parties have been in the process of taking and defending expert depositions
 11 following the parties' exchange of rebuttal expert reports on March 15, 2018, and
 12 make this agreed-upon request to take the deposition of David Kennedy on the first
 13 mutually agreeable date for Dr. Kennedy, counsel for Wi-LAN and counsel for
 14 Apple, which is April 18, 2018. According to Wi-LAN, March 29, 2018 was the
 15 only date between the March 15, 2018 rebuttal expert report deadline and the April
 16 16, 2018 expert discovery deadline on which Dr. Kennedy was available for a
 17 deposition. Counsel for Apple had a conflict with the proposed March 29, 2018
 18 date, and requested Dr. Kennedy's next available deposition date. Wi-LAN
 19 proposed April 18, 2018, two days after the expert discovery deadline, and counsel
 20 for Apple accepted that date.

21 The parties agree that extending the deadline for taking Mr. Kennedy's
 22 deposition by two days will not affect the trial setting or any other deadline in this
 23 case. A proposed order is attached hereto.

1 Dated: April 3, 2018

2 DLA PIPER LLP (US)

PATTERSON LAW GROUP

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4 By /s/ Sean C. Cunningham

By /s/ Allison H. Goddard

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CERTIFICATE OF SERVICE

I hereby certify that on April 3, 2018, I electronically transmitted the attached document to the Clerk’s Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the CM/ECF registrants.

/s/ Sean C. Cunningham
Sean C. Cunningham