

Allison H. Goddard (211098)
ali@pattersonlawgroup.com
PATTERSON LAW GROUP
402 West Broadway, 29th Floor
San Diego, CA 92101
(619) 398-4760
(619) 756-6991 (facsimile)

*Attorney for Defendant,
WI-LAN INC.*

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

APPLE INC.,

Plaintiff,

v.

WI-LAN INC.,

Defendant.

WI-LAN INC.,

Plaintiff,

v.

APPLE INC.,

Defendant.

) No. 3:14-cv-2235-DMS-BLM (Lead
) Case); Consolidated with No. 3:14-cv-
) 1507-DMS-BLM

) DEMAND FOR JURY TRIAL

) **JOINT MOTION REGARDING**
) **ORDER OF PARTIES AT TRIAL**
) **AND ASSERTED PATENT CLAIMS**

) **Department: 13A**

) **Judge: Hon. Dana M. Sabraw**

) **Magistrate: Hon. Barbara L. Major**

1 The parties respectfully request that the Court grant this joint motion regarding
2 the order of the parties at trial. For purposes of trial, the parties request that the Court
3 designate Wi-LAN Inc. (“Wi-LAN”) as the plaintiff and Apple Inc. (“Apple”) as the
4 defendant. Case No. 3:14-cv-2235-DMS-BLM is the declaratory judgment action that
5 has been designated as the Lead Case and consolidated with Case No. 3:14-cv-1507-
6 DMS-BLM in which Wi-LAN is the plaintiff. Because Wi-LAN is the patentee, the
7 parties have agreed that Wi-LAN should be designated as plaintiff for trial. Good
8 cause exists for the Court to designate Wi-LAN as the plaintiff for trial to avoid any
9 juror confusion. To further avoid confusion, the parties shall caption all pleadings as
10 *Wi-LAN Inc. v. Apple Inc.*, 3:14-cv-1507-DMS-BLM. However, filings shall continue
11 to be made in *Apple Inc. v. Wi-LAN Inc.*, 3:14-cv-2235-DMS-BLM which is
12 designated as the lead case.

13 In addition, the parties have agreed that not later than June 1, 2018, Wi-LAN
14 shall serve a preliminary election of asserted claims for trial, which shall assert no
15 more than a total of 20 claims. Upon this Court resolving the pending summary
16 judgment motions, motions to exclude, Wi-LAN’s motion to strike Apple’s invalidity
17 reports, and Apple’s motion to strike Wi-LAN’s infringement reports (Dkt. Nos. 304,
18 315, 321, 328, 330, 333), Wi-LAN shall have seven (7) days to serve a supplement
19 election of asserted claims for trial, which shall assert no more than a total of 10 of the
20 20 claims identified on June 1, 2018. The parties further agree that neither party will
21 mention to the jury that Wi-LAN made any elections of claims.

22 A proposed order is attached hereto.

23
24 Dated: May 30, 2018.

25
26 Respectfully submitted,

27 By: /s/ Allison H. Goddard
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Allison H. Goddard (SBN 211098)
ali@pattersonlawgroup.com
Patterson Law Group
402 West Broadway, 29th Floor
San Diego, CA 92101
Telephone: (619) 398-4760
Facsimile: (619) 756-6991

*Attorney for Defendant,
WI-LAN INC.*

By: /s/ Sean Cunningham
John Allcock
john.allcock@dlapiper.com
Sean C. Cunningham
sean.cunningham@dlapiper.com
Erin Gibson
erin.gison@dlapiper.com
Robert Buergi
robert.buergi@dlaiper.com
Robert Williams
robert.williams@dlapiper.com
Tiffany Miller
tiffany.miller@dlapiper.com
Jacob Anderson
jacob.anderson@dlapiper.com
DLA Piper LLP (US)
401 B Street, Street, Suite 1700
San Diego, CA 92101-4297
(619) 699.2700
(619) 699.2701 (facsimile)

*Attorney for Plaintiff,
Apple Inc.*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 Mr. Sean C. Cunningham, counsel for Apple Inc., and that I have obtained Mr. Cunningham authorization to affix his electronic signatures to this document.

Respectfully Submitted,

Dated: May 30, 2018

By: /s/ Allison Goddard

Allison H. Goddard (211098)
ali@pattersonlawgroup.com
PATTERSON LAW GROUP
402 West Broadway, 29th Floor
San Diego, CA 92101
(619) 398-4760
(619) 756-6991 (facsimile)

*Attorneys for Defendant,
Wi-LAN Inc.*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that on May 30, 2018, a true and correct copy of the foregoing, **JOINT MOTION REGARDING ORDER OF PARTIES AT TRIAL AND ASSERTED PATENT CLAIMS** was filed through the Court’s CM/ECF system, and was served through that system under FRCP 5(b)(2)(E) on all counsel who are deemed to have consented to electronic service.

Respectfully submitted,

By: /s/ Allison H. Goddard
Allison H. Goddard (SBN 211098)
ali@pattersonlawgroup.com
Patterson Law Group
402 West Broadway, 29th Floor
San Diego, CA 92101
Telephone: (619) 398-4760
Facsimile: (619) 756-6991

*Attorney for Defendant,
WI-LAN INC.*