

Plaintiff Wi-LAN Inc. ("Wi-LAN") and Defendant Apple Inc. ("Apple") hereby jointly move the Court for a schedule for post-trial briefing and an order extending the time for Wi-LAN to seek costs and attorney's fees, pursuant to Local Rule 7.2.

On August 1, 2018, the jury entered a verdict in favor of Wi-LAN. The parties held a settlement meeting on August 22, 2018 in Sunnyvale, California, and a mediation on September 21, 2018 in San Diego, California with Judge Weinberg, but a resolution was not reached. On September 28, 2018, Apple notified Wi-LAN that it was dropping its equitable defense. Accordingly, the parties hereby request that the Court dismiss Apple's equitable defense for the patents asserted at trial with prejudice. For the patents in this action that Wi-LAN did not assert at trial, the parties request that the Court dismiss Apple's equitable defense without prejudice.1

The parties also request that the Court enter a schedule for post-trial briefing. Apple intends to file a motion for a new trial under Fed. R. Civ. P. 59 and a renewed motion for judgment as a matter of law under Fed. R. Civ. P. 50(b). Wi-LAN intends to file a motion for pre and post-judgment interest and ongoing royalties. The parties propose the following schedule:

October 26, 2018: Opening briefs due.

November 9, 2018: Opposition briefs due.

November 20, 2018: Reply briefs due.

December 7, 2018: Hearing.<sup>2</sup>

As the prevailing party based on the current record, Wi-LAN is entitled to costs. Local Rule 54.1; Fed. R. Civ. P. 54(d). The current deadline to file a bill of costs is fourteen (14) days after entry of judgment, and the current deadline to file



1

3

4

5

6

7

8

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

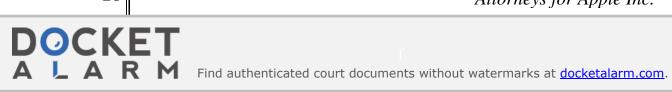
The patents Wi-LAN asserted at trial are U.S. Patent Nos. 8,457,145 and 757. The patents Wi-LAN did not assert at trial are U.S. Patent Nos. 311,040, 8,462,723, 8,462,761, and 8,615,020. To the extent the Court is not available December 7, 2018, the parties are also

any motion for attorney's fees and related nontaxable expenses is also fourteen (14) days after entry of judgment. *Id*.

Given a potential order that changes the prevailing party in this case and/or an appeal of this case to the Federal Circuit, the parties seek an order extending the time for the prevailing party to file a bill of costs and a motion for attorney's fees and related nontaxable expenses to (i) 60 days after entry of a mandate from the Federal Circuit, (ii) 60 days after termination of the appeal, or (iii) 60 days after the time for filing an appeal has expired, whichever is later.



1	DATED: October 3, 2018
2	By: <u>/s/ Brett Cooper</u> Brett Cooper
3	Robert Cote Jonathan Yim
4	Kevin Schubert Christopher McNett (298893)
5	MCKOOL SMITH, P.C. One Bryant Park, 47th Floor
6	New York, NY 10036
7	(212) 402-9400 (212) 402-9444 (facsimile)
8	Allison H. Goddard (211098) PATTERSON LAW GROUP 402 West Broadway, 29 <sup>th</sup> Floor
9	San Diego, CA 92101
10	(619) 398-4760 (619) 756-6991 (facsimile)
11	Mike McKool
12	Ashley Moore Warren Lipschitz
13	MCKOÓL SMITH, P.C. 300 Crescent Court
14	Dallas, TX 75201 (214) 978-4000
15	(214) 978-4044 (facsimile)
16	Steve Pollinger Seth Hasenour
17	MCKOOL SMITH, P.C. 300 W. 6th Street, Suite 1700
18	Austin, TX 78701 (512) 692-8700
19	(512) 692-8744 (facsimile)
20	Attorneys for Wi-LAN Inc.
21	By: <u>/s/ Sean Cunningham</u> Sean C. Cunningham
22	John Allcock Erin Gibson
23	Robert Buergi Robert Williams
24	Tiffany Miller Jacob Anderson
25	Amy Walters  DLA Piper LLP
26	401 B Street, Suite 1700 San Diego, California 92101-4297
27	(619) 699-2828 (619) 764-6628 (facsimile)
28	
20	Attorneys for Apple Inc.



## **CERTIFICATE OF SERVICE** I hereby certify that a true copy of the foregoing document has been served, via the Court's CM/ECF system upon counsel of record on October 3, 2018. /s/ Allison Goddard Allison H. Goddard (211098)

