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9 **UNITED STATES DISTRICT COURT**
10 **SOUTHERN DISTRICT OF CALIFORNIA**
11 **SAN DIEGO**

12
13 WI-LAN INC.,

14 *Plaintiff,*

15 v.

16 APPLE INC.,

17 *Defendant.*
18

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

**JOINT MOTION TO SET A
SCHEDULE FOR POST-TRIAL
BRIEFING AND EXTEND THE
DEADLINE TO SEEK COSTS AND
FEES**

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

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

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

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

19 October 26, 2018: Opening briefs due.

20 November 9, 2018: Opposition briefs due.

21 November 20, 2018: Reply briefs due.

22 December 7, 2018: Hearing.²

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

26 _____
27 ¹ The patents Wi-LAN asserted at trial are U.S. Patent Nos. 8,457,145 and
8,537,757. The patents Wi-LAN did not assert at trial are U.S. Patent Nos.
8,311,040, 8,462,723, 8,462,761, and 8,615,020.

28 ² To the extent the Court is not available December 7, 2018, the parties are also
available for a hearing on November 30, 2018.

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

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

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1 DATED: October 3, 2018

By: /s/ Brett Cooper

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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)