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November 6, 2003

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

**Re: *Ex Parte* Presentation of MDS America, Incorporated  
ET Docket No. 98-206; RM-9147; RM-9245;  
Experimental License Call Sign WC2XPU,  
FCC File Nos. 0005-EX-ML-2002, 0074-EX-RR-2003**

Dear Ms. Dortch:

This letter reports an *ex parte* contact made on behalf of MDS America, Incorporated. On November 5, 2003, Helen E. Disenhaus and Paul O. Gagnier left a voicemail message for Mr. James R. Burtle, Chief of the Experimental Licensing Branch of the Electromagnetic Compatibility Division of the Commission's Office of Engineering and Technology. The message reported that on November 5, 2003, two patents issued to Northpoint Technology, Ltd., had been found to be invalid in a federal jury trial. The case is captioned *Northpoint Technology, Ltd., v. MDS America, Inc.*, Case No. 01-14207-CIV-COHN (S.D. Fla.).

This letter is being filed electronically. If you have any questions, please contact this office.

Very truly yours,

Helen E. Disenhaus  
Paul O. Gagnier

Counsel for MDS America, Incorporated

cc: Kirk Kirkpatrick

CERTIFICATE OF SERVICE

I hereby certify that on this \_\_\_\_\_ day of November, 2003, a true and correct copy of the foregoing was served via e-mail (denoted by \*) and first class mail, on the following individuals:

Ms. Marlene H. Dortch\*  
Secretary  
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445 12th Street, S.W.  
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