

# McKool Smith

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January 28, 2011

The Honorable John D. Love  
United States District Court, Eastern District of Texas  
211 W. Ferguson  
Room 210  
Tyler, TX 75702

RE: *Bedrock Computer Technologies LLC v. Softlayer Technologies, Inc. et al.*,  
Civil Action No. 6:09-CV-269  
[Responsive to Dkt. No. 419]

Dear Judge Love:

Plaintiff Bedrock Computer Technologies LLC (“Bedrock”) respectfully submits this letter brief in reply to Defendants’ letter brief in opposition to Bedrock’s request for leave to file a motion for summary judgment of Defendants’ affirmative defenses of equitable estoppel and inequitable conduct. *See* Dkt. No. 419.

Bedrock acknowledges that, so long as Defendants amend their Answers to drop the affirmative defenses of unclean hands and equitable estoppel, a motion for summary judgment on these issues would be moot. Defendants also concede that they have not properly pleaded any claim for inequitable conduct. In light of this concession and representation by the Defendants that they will not attempt to file such a claim, Bedrock again agrees that a motion for summary judgment on this issue would be moot. However, in the event that Defendants fail to so amend their Answers dropping any claim of unclean hands or equitable estoppel, or subsequently assert any claim of inequitable conduct, Bedrock respectfully reserves its right to file a motion for summary judgment at that time.

Respectfully Submitted,

/s/ Douglas A. Cawley  
Douglas A. Cawley

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this document was electronically filed via the Court's CM/ECF system in compliance with Local Rule CV-5(a) and served upon all counsel of record on this 28th day of January, 2011.

*/s/ Douglas A. Cawley* \_\_\_\_\_  
Douglas A. Cawley