

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

EOLAS TECHNOLOGIES, INC.

Plaintiff,

v.

ADOBE SYSTEMS INC., ET AL.,

Defendants.

Civil Action No. 6:09-CV-446 LED

JURY TRIAL DEMANDED

**JOINT MOTION FOR LEAVE TO FILE REPLY AND SUR-REPLY BRIEFS
RE ADOBE SYSTEM INCORPORATED'S MOTION FOR PARTIAL SUMMARY
JUDGMENT OF NONINFRINGEMENT BASED ON ITS LICENSE DEFENSE**

Plaintiffs Eolas Technologies, Inc. ("Eolas") and The Regents of the University of California and Defendant Adobe Systems Incorporated ("Adobe") jointly move for leave to file short reply and sur-reply briefs regarding Adobe's Motion for Partial Summary Judgment of Noninfringement Based on Its License Defense ("Adobe's Motion for Partial Summary Judgment"). On August 17, 2011, Adobe sought leave to file its Motion for Partial Summary Judgment and exceed the collective 60-page limit for summary judgment briefing. Dkt. No. 871. The Court granted Adobe's motion for leave. Dkt. No. 893. On September 28, 2011, Eolas filed an unopposed motion for leave to file an opposition brief to Adobe's Motion for Partial Summary Judgment and exceed the 60-page limit for responses to summary judgment motions. Dkt. No. 991. The Court granted Eolas's motion for leave as well. Dkt. No. 998.

Adobe and Plaintiffs hereby jointly request leave to file respectively a reply and a sur-reply brief with regard to Adobe's Motion for Partial Summary Judgment. Mindful of the Court's guidance in Dkt. No. 959, where it granted five extra pages for reply and sur-reply briefs

relating to a motion for summary judgment filed by defendant Go Daddy, Adobe and Plaintiffs hereby request leave to exceed the respective page limits for replies and sur-replies to summary judgment motions by five pages each.

Dated: October 7, 2011

Respectfully submitted,

/s/ Mike McKool

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on October 7, 2011 to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Local Rule CV-5(a)(3)(A).

/s/ Proshanto Mukherji _____

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