

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

EOLAS TECHNOLOGIES, INC.	§	
	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO. 6:09-CV-446 (LED)
	§	
ADOBE SYSTEMS, INC. ET AL.,	§	
	§	
Defendants.	§	
	§	
	§	

**JOINT MOTION TO EXTEND TIME TO FILE REPLIES AND SUR-REPLIES
TO MOTIONS FOR SUMMARY JUDGMENT**

Plaintiffs Eolas Technologies, Inc. and The Regents of the University of California, and Defendants Adobe Systems, Inc., Amazon.com, Inc., CDW LLC, Citigroup Inc., The Go Daddy Group, Inc., Google, Inc., J.C. Penney Corp., Inc., Staples, Inc., Yahoo! Inc., and YouTube LLC (collectively the “parties”) respectfully move for additional time, (1) through and including October 11, 2011, for all parties to file their replies to motions for summary judgment and (2) through and including October 21, 2011, for all parties to file their surreplies to motions for summary judgment. In support, the parties state as follows:

Pursuant to the current Docket Control Order (Dkt. No. 979), the parties are to file their replies in support of their motions for summary judgment on Monday, October 10, 2011, and their surreplies on October 20th. *See* Dkt. No. 979. Monday, October 10, 2011 is Columbus Day, a federal holiday. *See* FED. R. CIV. P. 6(a)(6). As such, the

parties respectfully request additional time, through and including October 11, 2011, to file their reply briefs. Additionally, the parties request that the time to file surreplies to motions for summary judgment be extended through and including October 21, 2011.

The parties have conferred regarding the requested relief and none are opposed. This motion is not made for delay and should not impact any other deadline applicable to this case.

For all these reasons, the parties respectfully request that the Court extend the time for all parties to (1) file their replies to their motions for summary judgment through and including October 11, 2011, and (2) file their surreplies to motions for summary judgment through and including October 21, 2011.

Respectfully submitted,

/s/ Josh W. Budwin (w/ permission by
Jennifer H. Doan)

Mike McKool
Lead Attorney
Texas State Bar No. 13732100
mmckool@mckoolsmith.com
Douglas Cawley
Texas State Bar No. 04035500
dcawley@mckoolsmith.com
McKool Smith, P.C.
300 Crescent Court, Suite 1500
Dallas, Texas 75201
Telephone: (214) 978-4000
Telecopier: (214) 978-4044

Kevin L. Burgess
Texas State Bar No. 24006927
kburgess@mckoolsmith.com
John B. Campbell
Texas State Bar No. 24036314
jcampbell@mckoolsmith.com
Josh W. Budwin
Texas State Bar No. 24050347
jbudwin@mckoolsmith.com
Gretchen K. Curran
Texas State Bar No. 24055979
gcurran@mckoolsmith.com
Matthew B. Rappaport
Texas State Bar No. 24070472
mrappaport@mckoolsmith.com
McKool Smith, P.C.
300 West Sixth Street, Suite 1700
Austin, Texas 78701
Telephone: (512) 692-8700
Telecopier: (512) 692-8744

**ATTORNEYS FOR PLAINTIFF
EOLAS TECHNOLOGIES, INC.
and THE REGENTS OF THE
UNIVERSITY OF CALIFORNIA**

/s/ Jennifer H. Doan

Jennifer H. Doan
Texas Bar No. 08809050
Joshua R. Thane
Texas Bar No. 24060713
Haltom & Doan
Crown Executive Center, Suite 100
6500 Summerhill Road
Texarkana, TX 75503
Telephone: (903) 255-1000
Facsimile: (903) 255-0800
Email: jdoan@haltomdoan.com
Email: jthane@haltomdoan.com

Jared Bobrow
Edward R. Reines
Sonal N. Mehta
Aaron Y. Huang
Andrew L. Perito
WEIL, GOTSHAL & MANGES LLP
201 Redwood Shores Parkway
Redwood Shores, CA 94065
Telephone: (650) 802-3000
Facsimile: (650) 802-3100
Email: jared.bobrow@weil.com
Email: edward.reines@weil.com
Email: sonal.mehta@weil.com
Email: aaron.huang@weil.com
Email: andrew.perito@weil.com

**ATTORNEYS FOR DEFENDANTS
AMAZON.COM INC. and YAHOO!
INC.**

/s/ David J. Healey (w/ permission by
Jennifer H. Doan)

David J. Healey
healey@fr.com
FISH & RICHARDSON P.C.
1 Houston Center
1221 McKinney Street, Suite 2800
Houston, TX 77010
Telephone: (713) 654-5300
Facsimile: (713) 652-0109

OF COUNSEL:

Frank E. Scherkenbach
scherkenbach@fr.com
FISH & RICHARDSON P.C.
One Marina Park Drive
Boston, MA 02110-1878
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

Jason W. Wolff
wolff@fr.com
Joseph P. Reid (*pro hac vice*)
reid@fr.com
FISH & RICHARDSON P.C.
12390 El Camino Real
San Diego, CA 92130
Telephone: (858) 678-5070
Facsimile: (858) 678-5099

**ATTORNEYS FOR DEFENDANT
ADOBE SYSTEMS INC.**

/s/ Thomas L. Duston (w/ permission by
Jennifer H. Doan)

Thomas L. Duston
tduston@marshallip.com
Anthony S. Gabrielson
agabrielson@marshallip.com
Scott A. Sanderson (*pro hac vice*)
ssanderson@marshallip.com
MARSHALL, GERSTEIN &
BORUN LLP
6300 Willis Tower
233 South Wacker Drive
Chicago, IL 60606-6357
Telephone: (312) 474-6300
Facsimile: (312) 474-0448

Eric H. Findlay (Bar No. 00789886)
efindlay@findlaycraft.com
Brian Craft (Bar No. 04972020)
bcraft@findlaycraft.com
FINDLAY CRAFT, LLP
6760 Old Jacksonville Highway
Suite 101
Tyler, TX 75703
Telephone: (903) 534-1100
Facsimile: (903) 534-1137

**ATTORNEYS FOR DEFENDANT
CDW LLC**

/s/ Galyn Gafford (w/ permission by
Jennifer H. Doan)

Edwin R. DeYoung (Bar No. 05673000)
edeyoung@lockelord.com

Roy W. Hardin (Bar No. 08968300)
rhardin@lockelord.com

Roger Brian Cowie (Bar No. 00783886)
rcowie@lockelord.com

M. Scott Fuller (Bar No. 24036607)
sfuller@lockelord.com

Galyn Gafford (Bar No. 24040938)
ggafford@lockelord.com

LOCKE LORD BISSELL &
LIDDELL LLP

2200 Ross Avenue, Suite 2200

Dallas, TX 75201-6776

Telephone: (214) 740-8000

Facsimile: (214) 740-8800

Alexas D. Skucas (*pro hac vice*)
askucas@kslaw.com

KING & SPALDING LLP

1185 Avenue of the Americas

New York, NY 10036-4003

Telephone: (212) 556-2100

Facsimile: (212) 556-2222

Eric L. Sophir (*pro hac vice*)
esophir@kslaw.com

KING & SPALDING LLP

1700 Pennsylvania Ave. NW, Suite 200

Washington, D.C. 20006-4707

Telephone: (202) 626-8980

Facsimile: (202) 626-3737

**ATTORNEYS FOR DEFENDANT
CITIGROUP INC.**

/s/ Proshanto Mukherji (w/ permission by
Jennifer H. Doan)

Thomas M. Melsheimer (Bar No.
13922550)

txm@fr.com

Neil J. McNabney (Bar No. 24002583)
njm@fr.com

Carl E. Bruce (Bar No. 24036278)
ceb@fr.com

FISH & RICHARDSON P.C.

1717 Main Street, Suite 5000

Dallas, TX 75201

Telephone: (214) 747-5070

Facsimile: (214) 747-2091

Proshanto Mukherji (*pro hac vice*)

pvm@fr.com

FISH & RICHARDSON P.C.

One Marina Park Drive Boston, MA

02110-1878

Telephone: (617) 542-5070

Facsimile: (617) 542-8906

**ATTORNEYS FOR DEFENDANT
THE GO DADDY GROUP, INC.**

/s/ James R. Batchelder (w/ permission
by Jennifer H. Doan)

James R. Batchelder (*pro hac vice*)

james.batchelder@ropesgray.com

Sasha G. Rao (*pro hac vice*)

sasha.rao@ropesgray.com

Mark D. Rowland

mark.rowland@ropesgray.com

Brandon Stroy (*pro hac vice*)

brandon.stroy@ropesgray.com

Lauren N Robinson (*pro hac vice*)

lauren.robinson@ropesgray.com

Rebecca R. Hermes (*pro hac vice*)

rebecca.hermes@ropesgray.com

Han Xu (*pro hac vice*)

han.xu@ropesgray.com

ROPES & GRAY LLP

1900 University Avenue, 6th Floor

East Palo Alto, California 94303-2284

Telephone: (650) 617-4000

Facsimile: (650) 617-4090

Michael E. Jones (Bar No. 10929400)

mikejones@potterminton.com

Allen F. Gardner (Bar No. 24043679)

allengardner@potterminton.com

POTTER MINTON

A Professional Corporation

110 N. College, Suite 500

Tyler, TX 75702

Telephone: (903) 597-8311

Facsimile: (903) 593-0846

**ATTORNEYS FOR DEFENDANT
GOOGLE INC. AND YOUTUBE,
LLC**

/s/ Christopher M. Joe (w/ permission by
Jennifer H. Doan)

Jeffrey K. Joyner (*pro hac vice*)

joynerj@gtlaw.com

Jeffrey F. Yee (*pro hac vice*)

yeej@gtlaw.com

GREENBERG TRAUIG LLP

2450 Colorado Avenue, Suite 400E

Santa Monica, CA 90404

Telephone: (310) 586-7700

Facsimile: (310) 586-7800

Christopher M. Joe (Bar No. 00787770)

chrisjoe@bjciplaw.com

Brian Carpenter (Bar No. 03840600)

brian.carpenterb@bjciplaw.com

Eric W. Buether (Bar No. 03316880)

eric.buethere@bjciplaw.com

BUETHER JOE & CARPENTER, LLC

1700 Pacific, Suite 2390

Dallas, TX 75201

Telephone: (214) 466-1270

Facsimile: (214) 635-1842

**ATTORNEYS FOR DEFENDANT
J.C. PENNEY CORPORATION**

/s/Mark G. Matuschak (w/ permission
by Jennifer H. Doan)

Mark G. Matuschak (*pro hac vice*)

mark.matuschak@wilmerhale.com

Donald R. Steinberg (*pro hac vice*)

donald.steinberg@wilmerhale.com

WILMER CUTLER PICKERING

HALE AND DORR LLP

60 State Street

Boston, MA 02109

Telephone: (617) 526-6000

Facsimile: (617) 526-5000

Kate Hutchins (*pro hac vice*)
kate.hutchins@wilmerhale.com
WILMER CUTLER PICKERING
HALE AND DORR LLP
399 Park Avenue
New York, NY 10011
Telephone: (212) 230-8800
Facsimile: (212) 230-8888

Daniel V. Williams, (*pro hac vice*)
daniel.williams@wilmerhale.com
WILMER CUTLER PICKERING
HALE AND DORR LLP
1875 Pennsylvania Avenue NW
Washington, DC 20006
Telephone: (202) 663-6000
Facsimile: (202) 663-6363

Michael E. Richardson (Bar No.
24002838)
mrichardson@brsfirm.com
BECK REDDEN & SECREST
1221 McKinney, Suite 4500
Houston, TX 77010
Telephone: (713) 951-6284
Facsimile: (713) 951-3720

**ATTORNEYS FOR DEFENDANT
STAPLES, INC.**

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). All other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by certified mail, return receipt requested, on this the 7th day of October, 2011.

/s/ Jennifer H. Doan

Jennifer H. Doan