

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

**EOLAS TECHNOLOGIES, INC. AND
THE REGENTS OF THE UNIVERSITY
OF CALIFORNIA**

Plaintiff,

v.

ADOBE SYSTEMS, INC., ET AL.,

Defendants.

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

JURY TRIAL DEMANDED

UNOPPOSED MOTION FOR LEAVE TO FILE SUBSTITUTE DECLARATION

Defendants move for leave to substitute the Declaration of Jason W. Wolff (Dkt. 1018-1) with the attached declaration (Exhibit 1). The declaration is being replaced to minimize a dispute between the parties over the content of the prior declaration, thus replacing an approximately six page declaration with a two page declaration. Plaintiffs do not oppose this motion as Defendants have agreed to not oppose Plaintiffs request for an additional two pages in their sur-reply to address any issues raised by the substitute declaration.

The substitute declaration refers to the same exhibits as the prior declaration and adds no new documents or issues. Substituting the declaration (Dkt. 1018-1) with the attached declaration should simplify the issues for the Court and for Plaintiffs' sur-reply.

Dated: October 14, 2011

Respectfully submitted,

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CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that the parties conferred about this motion and counsel for Plaintiffs indicated Defendants' motion would be unopposed.

/s/ Jason W. Wolff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on October 14, 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).

/s/ Jason W. Wolff