

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

**Eolas Technologies Incorporated,**

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**Plaintiff,**

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**Civil Action No. 6:09-CV-00446-LED**

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**vs.**

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**Adobe Systems Inc., Amazon.com, Inc.,  
Apple Inc., Argosy Publishing, Inc.,  
Blockbuster Inc., CDW Corp.,  
Citigroup Inc., eBay Inc., Frito-Lay, Inc.,  
The Go Daddy Group, Inc., Google Inc.,  
J.C. Penney Company, Inc., JPMorgan  
Chase & Co., New Frontier Media, Inc.,  
Office Depot, Inc., Perot Systems Corp.,  
Playboy Enterprises International, Inc.,  
Rent-A-Center, Inc., Staples, Inc., Sun  
Microsystems Inc., Texas Instruments Inc.,  
Yahoo! Inc., and YouTube, LLC**

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**JURY TRIAL**

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**Defendants.**

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**PLAINTIFF EOLAS' UNOPPOSED MOTION FOR TWO EXTRA PAGES TO  
RESPOND TO DEFENDANTS' REPLIES**

The Local Rules of this Court set the page limits for briefing on dispositive and non-dispositive motions. L.R. CV-7. This Court has zealously enforced those page limits in this case and others. *See e.g.* dkt. 323 (denying unopposed motion for extra pages). Eolas contends that in their Reply briefs (*e.g.* dkt. nos. 1018-1022) Defendants have employed various tactics to obtain extra briefing. In order to equalize the briefing of the parties, Eolas requests two extra pages of briefing for its Sur Replies. Defendants do not oppose the relief sought in this motion, but they do strongly disagree with the characterization of their actions.

In Defendants' Reply in Support of Their Motion for Summary Judgment of Invalidity Under Section 102(B) (dkt. 1018), Defendants submitted a six-page declaration. In response to Eolas' complaints about the declaration, Defendants filed a motion to substitute the six-page version with a two-page version, which was granted. *See* dkt. 1040. Defendants' Reply in Support of Defendants' Motion for Summary Judgment of No Enhanced Damages for Willful Infringement (dkt. 1020) employed long footnotes with less than 12-point font, as did certain other Defendants' replies *See* dkt. nos. 1019-1022. Eolas believes that Defendants have effectively had additional briefing and, in fairness, Eolas seeks an additional two pages to respond.

Eolas respectfully requests that it be granted two extra pages of briefing for its Sur Replies. These two extra pages will effectively equalize the briefing between the parties. Defendants do not oppose Eolas' request for two extra pages.

For the reasons set forth herein, Eolas respectfully asks that the Court grant it two extra pages of briefing for its Sur Replies.

Dated: October 20, 2011.

**McKool Smith, P.C.**

/s/ Mike McKool

Mike McKool

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AND THE REGENTS OF THE  
UNIVERSITY OF CALIFORNIA**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing document has been served on all counsel of record via the Court's ECF system on October 20, 2011.

/s/ Josh Budwin  
Josh Budwin