

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

Eolas Technologies Incorporated,	§	
	§	
Plaintiff,	§	Civil Action No. 6:09-CV-00446-LED
	§	
vs.	§	
	§	
Adobe Systems Inc., Amazon.com, Inc.,	§	JURY TRIAL
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	§	
	§	
Defendants.	§	

**DECLARATION OF JOSH BUDWIN IN SUPPORT OF PLAINTIFFS’
SUR-REPLY IN OPPOSITION TO DEFENDANTS’ JOINT
MOTION FOR PARTIAL SUMMARY JUDGMENT OF NON-
INFRINGEMENT BASED ON DIVIDED INFRINGEMENT (DKT. NO. 874)**

I, Josh Budwin, do state and declare as follows:

1. I am an attorney with the law firm of McKool Smith PC (McKool Smith), counsel for The Regents of the University of California (Regents) and Eolas Technologies Incorporated (Eolas) (collectively, Plaintiffs) in this action. I make this declaration in support of Plaintiffs’ Sur-Reply Response in Opposition to Defendants’ Joint Motion for Partial Summary Judgment of Non-Infringement Based on Divided Infringement, filed herewith. Unless otherwise stated, the matters contained in this declaration are of my own personal knowledge and, if called as a witness, I could and would testify competently to the matters set forth herein.

2. Attached hereto as Exhibit A is a true and correct copy of a printout of <http://www.cafc.uscourts.gov/argument/upcoming-oral-arguments.html> on Wednesday, October 12, 2011.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on October 17, 2011, in Austin, Texas.

A handwritten signature in black ink, appearing to read "Josh Budwin", written in a cursive style.

Josh Budwin