

**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.	§	

**UNOPPOSED MOTION TO AMEND DOCKET CONTROL ORDER WITH RESPECT
TO EOLAS TECHNOLOGIES, INC. AND FRITO-LAY, INC. ONLY**

Defendant Frito-Lay, Inc. (“Frito-Lay”) and Plaintiff Eolas Technologies Incorporated (“Eolas”) have scheduled a mediation session with Mediator Judge Robert Faulkner on November 9, 2011. In order to provide the parties sufficient time to prepare and meaningfully engage in the upcoming mediation, Frito-Lay respectfully requests that deadlines for fact discovery cutoff, the parties’ opening expert reports, and rebuttal expert reports be extended. Below is a chart summarizing the current deadlines and the Frito-Lay’s proposed deadlines.

Eolas v. Frito-Lay Only		
Event	Current Deadline (Dkt. 979)	Proposed Deadlines
Fact discovery cutoff (as to Eolas v. Frito-Lay only)	November 9, 2011	November 18, 2011
Parties with burden of proof designate expert, expert reports due (as to Eolas v. Frito-Lay only)	November 16, 2011	November 29, 2011
Rebuttal expert reports and identify rebuttal trial witnesses (as to Eolas v. Frito-Lay only)	December 16, 2011	December 19, 2011

The parties have met and conferred, and Eolas does not oppose Frito-Lay's Motion. This Motion is not made for the purpose of delay and does not affect the date of trial, jury selection or the pretrial conference. For the reasons stated above, Frito-Lay respectfully requests the Court grant this joint motion.

Dated: October 25, 2011

Respectfully submitted,

/s/ Douglas R. McSwane, Jr.

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**ATTORNEYS FOR DEFENDANT
FRITO-LAY, INC.**

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who have consented to electronic service. Local Rule CV-5(a)(3)(A) on this October 26, 2011.

/s/ Douglas R. McSwane, Jr.
Douglas R. McSwane, Jr.