

EXHIBIT 5

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

Eolas Technologies Incorporated,

Plaintiff,

vs.

Adobe Systems Inc., Amazon.com, Inc.,
Apple 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.

Civil Action No. 6:09-cv-446

JURY TRIAL

**PLAINTIFF'S FIRST SET OF INTERROGATORIES (NOS. 1-5) TO BE SEPARATELY
ANSWERED BY EACH DEFENDANT**

Plaintiff Eolas Technologies Incorporated ("Eolas" or "Plaintiff") files this First Set of Interrogatories to Defendants Adobe Systems Inc. ("Adobe"), Amazon.com, Inc. ("Amazon"), Apple Inc. ("Apple"), Blockbuster Inc. ("Blockbuster"), CDW Corp. ("CDW"), Citigroup Inc. ("Citigroup"), eBay Inc. ("eBay"), Frito-Lay, Inc. ("Frito-Lay"), The Go Daddy Group, Inc. ("Go Daddy"), Google Inc. ("Google"), J.C. Penney Company, Inc. ("J.C. Penney"), JPMorgan Chase & Co. ("JPMorgan Chase"), New Frontier Media, Inc. ("New Frontier Media"), Office Depot, Inc. ("Office Depot"), Perot Systems Corp. ("Perot Systems"), Playboy Enterprises International, Inc. ("Playboy"), Rent-A-Center, Inc. ("Rent-A-Center"), Staples, Inc. ("Staples"), Oracle America, Inc., f/k/a Sun Microsystems, Inc. ("Sun Microsystems"), Texas Instruments Inc. ("Texas Instruments"), Yahoo! Inc. ("Yahoo") and YouTube, LLC

("YouTube") (collectively "Defendants"). The answers should be served upon counsel for Eolas as provided by Fed. R. Civ. P. 33.

I. INSTRUCTIONS

1. For the following interrogatories the information sought is that which is current to the date of your response. The following interrogatories are of a continuing nature and supplemental responses are required in accordance with Federal Rule of Civil Procedure 26(e).

2. If any information is withheld on the basis of a claim of privilege or work product, then the answer shall: generally identify the information withheld by subject matter, author, addressees, and carbon copy recipient(s); state the basis for withholding the information; and identify the person(s) knowledgeable about the subject matter of the withheld information.

3. If any documents referred to in your response to these interrogatories were, but are no longer in your possession, custody, or control, state what disposition was made of them and when. If any documents referred to in response to these interrogatories have been lost or destroyed, describe in detail the circumstances of such loss or destruction and identify each lost or destroyed document (and all files that contained such documents).

4. If the procedure for answering interrogatories as authorized by Fed. R. Civ. P. 33(d) is used, for each interrogatory and subpart thereof, specify the production (i.e., Bates) numbers of the specific document or group of documents.

II. DEFINITIONS

The following terms and definitions shall apply to these Interrogatories:

1. "And" as used herein shall mean and/or.
2. "Eolas" means Eolas Technologies, Inc. and includes any officers, directors, partners, associates, employees, staff members, agents, representatives, attorneys, subsidiaries, parents, affiliates, divisions, successors, predecessors and any other related entities.

3. "Discuss," "relate to" or "support" means in any way directly or indirectly, in whole or in part, discussing, referring to, regarding, constituting, concerning, about, pertaining to, relating to, reflecting, considering, underlying, modifying, amending, confirming, mentioning, endorsing, evidencing, summarizing, memorializing, describing, analyzing, evaluating, representing, supporting, qualifying, terminating, revoking, canceling or negating.

4. "Identify," when used with reference to:

(a) an individual person, means to state his full name, present or last known employer, job title, present or last known residence addresses and telephone number, and present or last known business addresses and telephone number.

(b) a business entity, means to state the full name and address of the entity and the names and positions of the individual or individuals connected with such entity who have knowledge of the information requested.

(c) a document, means to state the type of document (letter, memorandum, etc.), its date, author(s) or originator(s), addressee(s), all individuals who received copies of the document, the identity of persons known or presumed by you to have present possession, custody or control thereof, and a brief description of the subject matter and present location. The foregoing is unnecessary if the document is being produced to Eolas in lieu of the answer to an Interrogatory. If the document has already been produced, "identify" means to provide the production number of the document.

5. "Patents-in-Suit," "Patent-in-Suit" or "Relevant Patents" collectively refers to United States Patent Nos. 5,838,906 ("the '906 patent") and 7,599,985 ("the '985 patent"), as well as any patent(s) subsequently asserted by Eolas in this action.

6. "Person" shall refer to any natural person, firm, association, partnership, corporation, group, organization or other form of legal business entity.

7. "Adobe" means Adobe Systems Inc., and includes any officers, directors, partners, associates, employees, staff members, agents, representatives, attorneys, subsidiaries foreign or domestic, parents, affiliates, divisions, successors, predecessors, and any other related entities, and specifically includes all assets or companies that have been acquired by Adobe or with respect to which it has succeeded to rights or obligations.

8. "Amazon" means Amazon.com, Inc., and includes any officers, directors, partners, associates, employees, staff members, agents, representatives, attorneys, subsidiaries foreign or domestic, parents, affiliates, divisions, successors, predecessors, and any other related entities, and specifically includes all assets or companies that have been acquired by Amazon or with respect to which it has succeeded to rights or obligations.

9. "Apple" means Apple, Inc., and includes any officers, directors, partners, associates, employees, staff members, agents, representatives, attorneys, subsidiaries foreign or domestic, parents, affiliates, divisions, successors, predecessors, and any other related entities, and specifically includes all assets or companies that have been acquired by Apple or with respect to which it has succeeded to rights or obligations.

10. "Blockbuster" means Blockbuster, Inc., and includes any officers, directors, partners, associates, employees, staff members, agents, representatives, attorneys, subsidiaries foreign or domestic, parents, affiliates, divisions, successors, predecessors, and any other related entities, and specifically includes all assets or companies that have been acquired by Blockbuster or with respect to which it has succeeded to rights or obligations.

11. "CDW" means CDW Corp., and includes any officers, directors, partners, associates, employees, staff members, agents, representatives, attorneys, subsidiaries foreign or domestic, parents, affiliates, divisions, successors, predecessors, and any other related entities, and

specifically includes all assets or companies that have been acquired by CDW or with respect to which it has succeeded to rights or obligations.

12. "Citigroup" means Citigroup, Inc., and includes any officers, directors, partners, associates, employees, staff members, agents, representatives, attorneys, subsidiaries foreign or domestic, parents, affiliates, divisions, successors, predecessors, and any other related entities, and specifically includes all assets or companies that have been acquired by Citigroup or with respect to which it has succeeded to rights or obligations.

13. "eBay" means eBay, Inc. and/or PayPal, Inc. and includes any officers, directors, partners, associates, employees, staff members, agents, representatives, attorneys, subsidiaries foreign or domestic, parents, affiliates, divisions, successors, predecessors, and any other related entities, and specifically includes all assets or companies that have been acquired by eBay or with respect to which it has succeeded to rights or obligations.

14. "Frito-Lay" means Frito-Lay, Inc., and includes any officers, directors, partners, associates, employees, staff members, agents, representatives, attorneys, subsidiaries foreign or domestic, parents, affiliates, divisions, successors, predecessors, and any other related entities, and specifically includes all assets or companies that have been acquired by Frito-Lay or with respect to which it has succeeded to rights or obligations.

15. "Go Daddy" means The Go Daddy Group, Inc. and includes any officers, directors, partners, associates, employees, staff members, agents, representatives, attorneys, subsidiaries foreign or domestic, parents, affiliates, divisions, successors, predecessors, and any other related entities, and specifically includes all assets or companies that have been acquired by Go Daddy or with respect to which it has succeeded to rights or obligations.

16. "Google" means Google, Inc., and includes any officers, directors, partners, associates, employees, staff members, agents, representatives, attorneys, subsidiaries foreign or

domestic, parents, affiliates, divisions, successors, predecessors, and any other related entities, and specifically includes all assets or companies that have been acquired by Google or with respect to which it has succeeded to rights or obligations.

17. "J.C. Penney" means the J.C. Penney Company, Inc., and includes any officers, directors, partners, associates, employees, staff members, agents, representatives, attorneys, subsidiaries foreign or domestic, parents, affiliates, divisions, successors, predecessors, and any other related entities, and specifically includes all assets or companies that have been acquired by J.C. Penney or with respect to which it has succeeded to rights or obligations.

18. "JPMorgan" and/or "JPMorgan Chase" means JPMorgan Chase & Co., and includes any officers, directors, partners, associates, employees, staff members, agents, representatives, attorneys, subsidiaries foreign or domestic, parents, affiliates, divisions, successors, predecessors, and any other related entities, and specifically includes all assets or companies that have been acquired by JPMorgan and/or JPMorgan Chase or with respect to which it has succeeded to rights or obligations.

19. "New Frontier Media" means New Frontier Media, Inc., and includes any officers, directors, partners, associates, employees, staff members, agents, representatives, attorneys, subsidiaries foreign or domestic, parents, affiliates, divisions, successors, predecessors, and any other related entities, and specifically includes all assets or companies that have been acquired by New Frontier Media or with respect to which it has succeeded to rights or obligations.

20. "Office Depot" means Office Depot, Inc., and includes any officers, directors, partners, associates, employees, staff members, agents, representatives, attorneys, subsidiaries foreign or domestic, parents, affiliates, divisions, successors, predecessors, and any other related entities, and specifically includes all assets or companies that have been acquired by Office Depot or with respect to which it has succeeded to rights or obligations.

21. "Perot Systems" means Perot Systems Corp., and includes any officers, directors, partners, associates, employees, staff members, agents, representatives, attorneys, subsidiaries foreign or domestic, parents, affiliates, divisions, successors, predecessors, and any other related entities, and specifically includes all assets or companies that have been acquired by Perot Systems or with respect to which it has succeeded to rights or obligations.

22. "Playboy" means Playboy Enterprises International, Inc., and includes any officers, directors, partners, associates, employees, staff members, agents, representatives, attorneys, subsidiaries foreign or domestic, parents, affiliates, divisions, successors, predecessors, and any other related entities, and specifically includes all assets or companies that have been acquired by Playboy or with respect to which it has succeeded to rights or obligations.

23. "Rent-a-Center" means Rent-A-Center, Inc., and includes any officers, directors, partners, associates, employees, staff members, agents, representatives, attorneys, subsidiaries foreign or domestic, parents, affiliates, divisions, successors, predecessors, and any other related entities, and specifically includes all assets or companies that have been acquired by Rent-A-Center or with respect to which it has succeeded to rights or obligations.

24. "Staples" means Staples, Inc., and includes any officers, directors, partners, associates, employees, staff members, agents, representatives, attorneys, subsidiaries foreign or domestic, parents, affiliates, divisions, successors, predecessors, and any other related entities, and specifically includes all assets or companies that have been acquired by Staples or with respect to which it has succeeded to rights or obligations.

25. "Sun" and/or "Sun Microsystems" means Oracle America Inc., or Sun Microsystems, Inc., and includes any officers, directors, partners, associates, employees, staff members, agents, representatives, attorneys, subsidiaries foreign or domestic, parents, affiliates, divisions, successors, predecessors, and any other related entities, and specifically includes all assets or

companies that have been acquired by Sun and/or Sun Microsystems or with respect to which it has succeeded to rights or obligations.

26. "Texas Instruments" means Texas Instruments Inc., and includes any officers, directors, partners, associates, employees, staff members, agents, representatives, attorneys, subsidiaries foreign or domestic, parents, affiliates, divisions, successors, predecessors, and any other related entities, and specifically includes all assets or companies that have been acquired by Texas Instruments or with respect to which it has succeeded to rights or obligations.

27. "Yahoo" means Yahoo!, Inc., and includes any officers, directors, partners, associates, employees, staff members, agents, representatives, attorneys, subsidiaries foreign or domestic, parents, affiliates, divisions, successors, predecessors, and any other related entities, and specifically includes all assets or companies that have been acquired by Yahoo or with respect to which it has succeeded to rights or obligations.

28. "YouTube" means YouTube, LLC, and includes any officers, directors, partners, associates, employees, staff members, agents, representatives, attorneys, subsidiaries foreign or domestic, parents, affiliates, divisions, successors, predecessors, and any other related entities, and specifically includes all assets or companies that have been acquired by YouTube or with respect to which it has succeeded to rights or obligations.

29. "Defendants" collectively refers to Adobe, Amazon, Apple, Blockbuster, CDW, Citigroup, eBay, Frito-Lay, Go Daddy, Google, J.C. Penney, JPMorgan, New Frontier Media, Office Depot, Perot Systems, Playboy, Rent-A-Center, Staples, Sun, Texas Instruments, Yahoo and YouTube.

30. "You," or "Your" means the responding party, depending on who is responding, and includes any officers, directors, partners, associates, employees, staff members, agents, representatives, attorneys, subsidiaries foreign or domestic, parents, affiliates, divisions,

successors, predecessors, and any other related entities, and specifically includes all assets or companies that you have acquired or with respect to which you have succeeded to rights or obligations.

31. As used herein, the term “document” means and includes, but is not limited to, the following items, whether typed, printed, handwritten, drawn, created, recorded, stored, or reproduced by any means or process and whether or not a claim of privilege or other bar to discovery is asserted: notes, letters, memoranda, correspondence, e-mail, drafts, books, telegrams, telexes, telephone bills, telephone logs, notebooks, charts, tables, lists, graphs, agendas, outlines, schedules, plans, studies, applications, policies, procedures, rules, guidelines, manuals, handbooks, evaluations, worksheets, minutes, bids, bid forms, promissory notes, memoranda of understanding, statements of work, requests for proposal, requests for quotation, letters of intent, contracts, agreements, journal ledgers, accounting ledgers, invoices, spreadsheets, loan agreements, tabulations, compilations, financial statements, income statements, balance sheets, checks, registers, pro-formas, budgets, projections, strategic plans, calendars, diaries, appointment books, records and summaries of meetings, telephone conversations or interviews, investigative reports, consultant reports, credit reports, requests for information, proposals, videotapes, audio tapes, recordings, computer tapes, computer disks, DVDs, CDs, computer printouts and data stored on any computer-accessible media, databases, call tracking systems, defect tracking systems, consumer relationship systems or software, sales force automations systems, engineering notebooks, lab notebooks, drawings, sketches, designs, illustrations, diagrams, schematics, engineering drawings, blueprints, CAD, project schedules, design reviews, project reviews, status reports, bug reports, change logs, test results, data books, data sheets, user manuals, installation guides, patch release notes, white papers, application notes, bills of material, product literature, advertising documents, competitive analyses, market

share studies, presentations, price lists, product lists, customer lists, catalogs, sales reports, annual reports, government filings, press releases, patents, patent applications (including abandoned applications), file histories, prior art, prior art searches or reports, foreign patent applications, trademark applications, trademark searches, source code, server code, object code, machine code, source files, library files, data files, text files, program files, directory files, and computer applications, systems or software, including my file systems back up, and all other writings or drafts thereof as defined in Federal Rule of Civil Procedure 34(a) and Federal Rule of Evidence § 1001 and all non-identical copies of the items described above.

32. As used herein, the term “communication” means any transmission of information from one person or entity to another, including, without limitation, by personal meeting, letter, memorandum, note, telephone, telecopier, radio, telegraph, electronic mail (including, but not limited to, any data recovered from back up media, whether on-site or off-site), image, symbol, data, photograph, sound or video.

33. As used herein, “web application” includes, but is not limited to, applications that are accessed over a network such as the Internet and includes computer software applications that are hosted in a browser-controlled environment (*e.g.* a Java applet) or coded in a browser-supported language (such as JavaScript, combined with a browser-rendered markup language like HTML) and reliant on a web browser to render the application.

34. As used herein, “AJAX-like technologies” includes, but is not limited to, HTML or XHTML and/or CSS for presentation of the Document Object Model; XML and/or XSLT for the interchange, and manipulation and display of data; the XMLHttpRequest object; and/or other similar technologies.

35. As used herein, the term “Accused Product(s)” shall have the following meaning, depending on your identity:

a. If you are Adobe, then the term “Accused Product(s)” means, but is not limited to, the following:

The flash authoring tools, plug-ins and players identified in the charts titled “906 - Adobe - Authoring Tools and Players” and “985 - Adobe - Authoring Tools and Players” attached to Eolas’ P.R. 3-2 submission. This includes, but is not limited to the following:

- Flash Professional
- Flash Platform
- Creative Suite 4 Production Premium
- Creative Suite 4 Design Premium
- Creative Suite 4 Web Premium
- Creative Suite 4 Web Standard
- Creative Suite 4 Master Collection
- Flex
- Director
- Dreamweaver
- InDesign CS4

The websites (including the servers hosting those websites) and functionality identified in the charts titled “906 - Adobe - Flash - Chart1” and “985 - Adobe - Flash - Chart1” attached to Eolas’ P.R. 3-2 submission. This includes, but is not limited to the following:

- www.Adobe.com
- CookBooks.Adobe.com
- StudentEditions.Adobe.com

The websites (including the servers hosting those websites) and functionality identified in the chart titled “906 - Adobe - Flash - OtherDomains” and “985 - Adobe - Flash - OtherDomains” attached to Eolas’ P.R. 3-2 submission. This includes, but is not limited to the following:

- tv.adobe.com
- labs.adobe.com
- www.photoshop.com
- cocomo.acrobat.com
- www.adobe.com/financial
- www.adobe.com/manufacturing

The pdf authoring tools and plug-ins identified in the chart titled “906 - Adobe - PDF - Authoring Tools and Players” and “985 - Adobe - PDF - Authoring Tools and Players” attached to Eolas’ P.R. 3-2 submission. This includes, but is not limited to the following:

- Acrobat Standard
- Acrobat Pro
- Acrobat Pro Extended
- Creative Suite 4 Design Premium
- Creative Suite 4 Design Standard
- Creative Suite 4 Web Premium
- Creative Suite 4 Master Collection
- Technical Communication Suite 2
- Distiller Server
- Flash Paper

<ul style="list-style-type: none"> • Framemaker • InDesign CS4 • Pagemaker
<p>The websites (including the servers hosting those websites) and functionality identified in the charts titled “906 - Adobe - photoshop.com - Flash - Chart1” and “985 - Adobe - photoshop.com - Flash - Chart1” attached to Eolas’ P.R. 3-2 submission. This includes, but is not limited to the following:</p> <ul style="list-style-type: none"> • www.photoshop.com
<p>The Adobe Search Buddy functionality (including the servers hosting it) identified in the chart titled “985 - Adobe - Search Buddy” attached to Eolas’ P.R. 3-2 submission.</p>
<p>Adobe Flash 10.1 and Flash Lite for mobile devices as identified in the charts titled “906 - Adobe - Flash 10.1 and Flash Lite for Mobile Devices” and “985 - Adobe - Flash 10.1 and Flash Lite for Mobile Devices” attached to Eolas’ P.R. 3-2 submission.</p>

b. If you are Amazon, then the term “Accused Product(s)” means, but is not limited to, the following:

<p>The websites (including the servers hosting those websites) and functionality identified in the charts titled “906 - Amazon - Chart1” and “985 - Amazon - Chart1” attached to Eolas’ P.R. 3-2 submission. This includes, but is not limited to the following:</p> <ul style="list-style-type: none"> • www.amazon.com • www.windowshop.com
<p>The websites (including the servers hosting those websites) and functionality identified in the charts titled “906 - Amazon - OtherDomains” and “985 - Amazon - OtherDomains” attached to Eolas’ P.R. 3-2 submission. This includes, but is not limited to the following:</p> <ul style="list-style-type: none"> • zappostv.magnifey.net • imdb.com • webstore.amazon.com • endless.com • blog.shopbop.com • soundunwound.com • www.abebooks.com
<p>The Amazon Auto Complete functionality (including the servers hosting it) identified in the chart titled “985 - Amazon - Auto Complete” attached to Eolas’ P.R. 3-2 submission.</p>
<p>The Amazon product slider as identified in the chart titled “985 - Amazon - Slider” attached to Eolas’ P.R. 3-2 submission.</p>

c. If you are Apple, then the term “Accused Product(s)” means, but is not limited to, the following:

<p>The Apple Safari browser for Windows, Apple and other operating systems as identified in the charts titled “906 - Apple - Safari” and “985 - Apple - Safari” attached to Eolas’ P.R. 3-2 submission.</p>
<p>Apple iTunes for Windows, Apple and other operating systems (including Apple hardware, such as laptops, desktops, the iPad and the iPhone that comes pre-installed with iTunes) as identified in the charts titled “906 - Apple - iTunes” and “985 - Apple - iTunes” attached to Eolas’ P.R. 3-2 submission.</p>
<p>Apple hardware, such as laptops, desktops, the iPad and the iPhone that come pre-installed with the Apple Safari browser as identified in the charts titled “906 - Apple - Safari”, “985 - Apple - Safari”, “906 - Apple - iTunes” and “985 - Apple - iTunes”.</p>
<p>The QuickTime authoring tools, plug-ins and players identified in the charts titled “906 - Apple - QuickTime - Authoring/Players” and “985 - Apple - QuickTime - Authoring/Players” attached to Eolas’ P.R. 3-2 submission. This includes, but is not limited to the following:</p> <ul style="list-style-type: none"> • QuickTime Pro • QuickTime Broadcaster • QuickTime Streaming Server • QuickTime VR Authoring Studio • Darwin Streaming Server • QuickTime Player • QuickTime Plug-in
<p>The websites (including the servers hosting those websites) and functionality identified in the charts titled “906 - Apple - QuickTime - Chart1” and “985 - Apple - QuickTime - Chart1” attached to Eolas’ P.R. 3-2 submission. This includes, but is not limited to the following:</p> <ul style="list-style-type: none"> • www.apple.com
<p>The websites (including the servers hosting those websites) and functionality identified in the charts titled “906 - Apple - QuickTime - Other Domains” and “985 - Apple - QuickTime - Other Domains” attached to Eolas’ P.R. 3-2 submission. This includes, but is not limited to the following:</p> <ul style="list-style-type: none"> • www.apple.com • developer.apple.com
<p>The Apple Search Shortcuts functionality (including the servers hosting it) identified in the chart titled “985 - Apple - Search Shortcuts” attached to Eolas’ P.R. 3-2 submission.</p>

d. If you are Blockbuster, then the term “Accused Product(s)” means, but is not limited to, the following:

<p>The websites (including the servers hosting those websites) and functionality identified in the charts titled “906 - Blockbuster - Chart1” and “985 - Blockbuster - Chart1” attached to Eolas’ P.R. 3-2 submission. This includes, but is not limited to the following:</p> <ul style="list-style-type: none"> • www.blockbuster.com

e. If you are CDW, then the term “Accused Product(s)” means, but is not limited to, the following:

The websites (including the servers hosting those websites) and functionality identified in the charts titled “906 - CDW Chart1” and “985 - CDW - Chart1” attached to Eolas’ P.R. 3-2 submission. This includes, but is not limited to the following:

- www.cdw.com

The CDW Auto Suggest functionality (including the servers hosting it) identified in the chart titled “985 - CDW - AutoSuggest” attached to Eolas’ P.R. 3-2 submission.

f. If you are CitiGroup, then the term “Accused Product(s)” means, but is not limited to, the following:

The websites (including the servers hosting those websites) and functionality identified in the charts titled “906 - Citi Group - Chart 1” and “985 - Citi Group - Chart 1” attached to Eolas’ P.R. 3-2 submission. This includes, but is not limited to the following:

- www.citi.com
- www.studentloan.com
- www.citibank.com

The websites (including the servers hosting those websites) and functionality identified in the charts titled “906 - CitiGroup - OtherDomains” and “985 - CitiGroup - OtherDomains” attached to Eolas’ P.R. 3-2 submission. This includes, but is not limited to the following:

- www.citigroup.com
- icq.citi.com
- www.citimortgage.com
- www.citifinancial.com
- www.transactionservices.citigroup.com
- www.privatebank.citibank.com
- www.citicards.com
- online.citibank.com
- www.primerica.com
- www.banamex.com

The websites (including the servers hosting those websites) and functionality identified in the chart titled “985 - CitiGroup - Banking System” attached to Eolas’ P.R. 3-2 submission. This includes, but is not limited to the following:

- CitiDirect Online Banking
- Citibank Online Investments (OLI)
- Citi International Financial Services Net Exchange
- CitiFX Pro Web.

The websites (including the servers hosting those websites) and functionality identified in the charts titled “906 - CitiGroup - Java - Chart1” and “985 - CitiGroup - Java - Chart1” attached to Eolas’ P.R. 3-2 submission. This includes,

but is not limited to the following:

- online.citibank.com
- www.citifinancialauto.com

g. If you are eBay, then the term “Accused Product(s)” means, but is not limited to, the following:

The websites (including the servers hosting those websites) and functionality identified in the charts titled “906 - eBay - Chart1” and “985 - eBay - Chart1” attached to Eolas’ P.R. 3-2 submission. This includes, but is not limited to the following:

- www.ebay.com
- neighborhoods.ebay.com
- success.ebay.com

The websites (including the servers hosting those websites) and functionality identified in the charts titled “906 - eBay - OtherDomains” and “985 - eBay - OtherDomains” attached to Eolas’ P.R. 3-2 submission. This includes, but is not limited to the following:

- <http://antiques.shop.ebay.com>
- www.paypal.com
- www.stubhub.com
- <http://www.ebaygreenteam.com/ns/buy-green.html>
- <http://givingworks.ebay.com>
- <http://art.shop.ebay.com>
- <http://baby.shop.ebay.com>
- <http://business.shop.ebay.com>
- <http://photography.shop.ebay.com>
- <http://www.motors.ebay.com>
- <http://cell-phones.ebay.com>
- <http://coins.ebay.com>
- <http://computers.ebay.com>
- <http://dolls.shop.ebay.com>
- <http://services.ebay.com>
- <http://video-games.ebay.com>
- <http://electronics.ebay.com>
- www.prostores.com
- www.shopping.com
- www.skype.com

The eBay AutoFill functionality (including the servers hosting it) identified in the chart titled “985 - eBay - AutoFill” attached to Eolas’ P.R. 3-2 submission.

The websites (including the servers hosting those websites) and functionality identified in the charts titled “906 - eBay - Widgets” and “985 - eBay - Widgets” attached to Eolas’ P.R. 3-2 submission. This includes, but is not limited to the following:

- www.ebay.com

h. If you are Frito-Lay, then the term “Accused Product(s)” means, but is not limited to, the following:

The websites (including the servers hosting those websites) and functionality identified in the charts titled “906 - Frito-Lay - Chart1” and “985 - Frito-Lay - Chart1” attached to Eolas’ P.R. 3-2 submission. This includes, but is not limited to the following:

- Frito-Lay.com

i. If you are GoDaddy, then the term “Accused Product(s)” means, but is not limited to, the following:

The websites (including the servers hosting those websites) and functionality identified in the charts titled “906 - GoDaddy - Chart1” and “985 - GoDaddy - Chart1” attached to Eolas’ P.R. 3-2 submission. This includes, but is not limited to the following:

- www.godaddy.com
- radiogodaddy.com
- videos.godaddy.com

j. If you are Google, then the term “Accused Product(s)” means, but is not limited to, the following:

The Google Chrome browser for Widows, Apple and other operating systems as identified in the charts titled “906 - Google - Chrome” and “985 - Google - Chrome” attached to Eolas’ P.R. 3-2 submission.

The websites (including the servers hosting those websites) and functionality identified in the charts titled “906 - Google - Chart 1” and “985 - Google - Chart 1” attached to Eolas’ P.R. 3-2 submission. This includes, but is not limited to the following:

- DoubleClick.com
- Finance.Google.com
- Video.Google.com

The websites (including the servers hosting those websites) and functionality identified in the charts titled “906 - Google - Other Domains” and “985 - Google - Other Domains” attached to Eolas’ P.R. 3-2 submission. This includes, but is not limited to the following:

- google.com/googlevoice
- news.google.com
- picasa.google.com
- sketchup.google.com
- google.com/googlevoice
- services.google.com

<ul style="list-style-type: none"> • google.com/latitude • en.blog.orkut.com • www.episodic.com
The Google Android Operating System for mobile devices (such as the Droid and Nexus One phone and other devices) as identified in the charts titled “906 - Google - Android for mobile devices” and “985 - Google - Android for mobile devices” attached to Eolas’ P.R. 3-2 submission.
The websites (including the servers hosting those websites) and functionality identified in the charts titled “906 - Google - Phone - Chart1” and “985 - Google - Phone - Chart1” attached to Eolas’ P.R. 3-2 submission. This includes, but is not limited to the following: <ul style="list-style-type: none"> • www.google.com/phone
Google AdSense (including the servers hosting it) as identified in the chart titled “985 - Google - AdSense” attached to Eolas’ P.R. 3-2 submission.
Google Documents (including the servers hosting it) as identified in the chart titled “985 - Google - Documents” attached to Eolas’ P.R. 3-2 submission.
Google Gmail (including the servers hosting it) as identified in the chart titled “985 - Google - Gmail” attached to Eolas’ P.R. 3-2 submission.
Google Search Suggest functionality (including the servers hosting it) as identified in the chart titled “985 - Google - Search Suggest” attached to Eolas’ P.R. 3-2 submission.
Google Search functionality (including the servers hosting it) as identified in the chart titled “985 - Google - Search” attached to Eolas’ P.R. 3-2 submission.
Google Maps (including the servers hosting it) as identified in the chart titled “985 - Google - Maps” attached to Eolas’ P.R. 3-2 submission.
Google Maps Web Service (including the servers hosting it) as identified in the chart titled “985 - Google - Maps Web Service” attached to Eolas’ P.R. 3-2 submission.
iGoogle (including the servers hosting it) as identified in the chart titled “985 - Google - iGoogle” attached to Eolas’ P.R. 3-2 submission.
Google Episodic as identified in the charts titled “906 - Episodic - Flash - episodic.com” and “985 - Episodic - Flash - episodic” as identified in the charts provided to Google’s counsel.

k. If you are J.C. Penney, then the term “Accused Product(s)” means, but is not limited to, the following:

<p>The websites (including the servers hosting those websites) and functionality identified in the charts titled “906 - JC Penney - Chart1” and “985 - JC Penney - Chart1” attached to Eolas’ P.R. 3-2 submission. This includes, but is not limited to the following:</p> <ul style="list-style-type: none"> • www.jcpenneybrands.com • www.jcpenney.net • www.jcpenney.com • jcportraits.com

l. If you are JPMorgan, then the term “Accused Product(s)” means, but is not limited to, the following:

<p>The websites (including the servers hosting those websites) and functionality identified in the charts titled “906 - JPMorganChase - Chart1” and “985 - JPMorganChase - chart1” attached to Eolas’ P.R. 3-2 submission. This includes, but is not limited to the following:</p> <ul style="list-style-type: none">• www.JPMogran.com• www.Chase.com• thewayforward.jpmorganchase.com
<p>The websites (including the servers hosting those websites) and functionality identified in the charts titled “906 - JPMorganChase - OtherDomains” and “985 - JPMorganChase - OtherDomains” attached to Eolas’ P.R. 3-2 submission. This includes, but is not limited to the following:</p> <ul style="list-style-type: none">• efxdemo.jpmorgan.com• demo.chase.com• www.jpmorgan.com• mortgage.chase.com• www.jpmorganchase.com• newhire.jpmorganchase.com
<p>The websites (including the servers hosting those websites) and functionality identified in the chart titled “985 - JPMorganChase - Banking System” attached to Eolas’ P.R. 3-2 submission. This includes, but is not limited to the following:</p> <ul style="list-style-type: none">• https://chaseonline.chase.com/

m. If you are New Frontier Media, then the term “Accused Product(s)” means, but is not limited to, the following:

<p>The websites (including the servers hosting those websites) and functionality identified in the charts titled “906 - New Frontier Media - Quicktime - Chart1” and “985 - New Frontier Media - Quicktime - Chart1” attached to Eolas’ P.R. 3-2 submission. This includes, but is not limited to the following:</p> <ul style="list-style-type: none">• www.lightning-ent.com• www.mainlinereleasing.com• media.lightning-ent.com
<p>The websites (including the servers hosting those websites) and functionality identified in the charts titled “906 - New Frontier Media - Adult Websites,” “906 - New Frontier Media - Adult 2,” “985 - New Frontier Media - Adult Websites” and “985 - New Frontier Media - Adult 2” attached to Eolas’ P.R. 3-2 submission and/or as provided to New Frontier Media’s counsel.</p>

n. If you are Office Depot, then the term “Accused Product(s)” means, but is not limited to, the following:

The websites (including the servers hosting those websites) and functionality identified in the charts titled “906 - OfficeDepot - Chart1” and “985 - OfficeDepot - Chart1” attached to Eolas’ P.R. 3-2 submission. This includes, but is not limited to the following:

- www.officedepot.com
- www.techdepot.com
- www.ativaproducts.com

The Office Depot Predictive Search functionality (including the servers hosting it) identified in the chart titled “985 - OfficeDepot - Predictive Search” attached to Eolas’ P.R. 3-2 submission.

o. If you are Perot Systems, then the term “Accused Product(s)” means, but is not limited to, the following:

The websites (including the servers hosting those websites) and functionality identified in the charts titled “906 - Perot Systems - Chart1” and “985 - Perot Systems - Chart1” attached to Eolas’ P.R. 3-2 submission. This includes, but is not limited to the following:

- <http://www.perotsystems.com>

p. If you are Playboy, then the term “Accused Product(s)” means, but is not limited to, the following:

The websites (including the servers hosting those websites) and functionality identified in the charts titled “906 - Playboy - Chart1” and “985 - Playboy - Chart1” attached to Eolas’ P.R. 3-2 submission. This includes, but is not limited to the following:

- Playboy.com
- PlayboyStore.com
- Cyber.Playboy.com
- VideoGirls.Playboy.com
- PlayboyFragrances.com
- PlayboyTV.com
- PlayboysAllNaturals.com
- PlayboysBustyBabes.com
- PlayboysFreshFaces.com
- PlayboysSexyWives.com
- PlayboysStudentBodies.com
- WomenOfPlayboy.com
- Tour.PlayboyPlus.com
- PlayboyGolf.com

- PlayboyLive.com

The Playboy Auto Complete functionality (including the servers hosting it) identified in the chart titled “985 - Playboy - Auto Complete” attached to Eolas’ P.R. 3-2 submission.

q. If you are Rent-A-Center, then the term “Accused Product(s)” means, but is not limited to, the following:

The websites (including the servers hosting those websites) and functionality identified in the charts titled “906 - RentACenter - Chart1” and “985 - RentACenter - Chart1” attached to Eolas’ P.R. 3-2 submission. This includes, but is not limited to the following:

- rentacenter.com

r. If you are Staples, then the term “Accused Product(s)” means, but is not limited to, the following:

The websites (including the servers hosting those websites) and functionality identified in the charts titled “906 - Staples Inc. - Chart1” and “985 - Staples Inc. - Chart1” attached to Eolas’ P.R. 3-2 submission. This includes, but is not limited to the following:

- staples.com
- media.staples.com

s. If you are Sun, then the term “Accused Product(s)” means, but is not limited to, the following:

The Sun Java and/or JavaFX authoring tools, plug-ins and players identified in the charts titled “906 - Sun - Java/JavaFX authoring tools/players” and “985 - Sun - Java/JavaFX authoring tools/players” attached to Eolas’ P.R. 3-2 submission. This includes, but is not limited to the following:

- JavaFX SDK
- NetBeans IDE 6.5.1 for JavaFX 1.2
- JavaFX Production Suite
- Java FX Platform
- Java FX Mobile
- Java Development Toolkit (JDK)
- Java Application Verification Kit (AVK) for the Enterprise
- Java Platform, Enterprise Edition (Java EE)
- Java Platform, Standard Edition (Java SE)
- Java SE for Business
- Java Real-Time System

- Java Platform
- Java Platform, Micro Edition (Java ME)

The websites (including the servers hosting those websites) and functionality identified in the charts titled “906 - Sun - Chart1” and “985 - Sun - Chart1” attached to Eolas’ P.R. 3-2 submission. This includes, but is not limited to the following:

- www.sun.com
- webcast-west.sun.com
- identityhero.sun.com
- netbeans.org
- blogs.sun.com
- www.opensparc.net
- java.sun.com
- channelsun.sun.com
- sunsolve.sun.com
- developers.sun.com

The websites (including the servers hosting those websites) and functionality identified in the charts titled “906 – Sun – Java/JavaFX – Chart1” and “985 – Sun – Java/JavaFX – Chart1” attached to Eolas’ P.R. 3-2 submission. This includes, but is not limited to the following:

- java.sun.com
- www.javafx.com

t. If you are Texas Instruments, then the term “Accused Product(s)” means, but is not limited to, the following:

The websites (including the servers hosting those websites) and functionality identified in the charts titled “906 - Texas Instruments - Chart1” and “985 - Texas Instruments - Chart1” attached to Eolas’ P.R. 3-2 submission. This includes, but is not limited to the following:

- www.ti.com
- www.dlp.com
- www.84silver.com
- www.timathrocks.com
- www.education.ti.com

u. If you are Yahoo, then the term “Accused Product(s)” means, but is not limited to, the following:

The websites (including the servers hosting those websites) and functionality

identified in the charts titled “906 - Yahoo - chart1” and “985 - Yahoo - chart1” attached to Eolas’ P.R. 3-2 submission. This includes, but is not limited to the following:

- movies.yahoo.com
- autos.yahoo.com

The websites (including the servers hosting those websites) and functionality identified in the charts titled “906 - Yahoo - OtherDomains” and “985 - Yahoo - OtherDomains” attached to Eolas’ P.R. 3-2 submission. This includes, but is not limited to the following:

- new.music.yahoo.com
- developer.yahoo.com
- video.yahoo.com
- travel.yahoo.com
- tv.yahoo.com
- sports.yahoo.com
- games.yahoo.com
- messenger.yahoo.com
- advertising.yahoo.com
- finance.yahoo.com
- news.yahoo.com
- ysearchblog.com
- mobile.yahoo.com
- omg.yahoo.com
- shine.yahoo.com
- www.flickr.com
- selfcare.hotjobs.yahoo.com
- security.yahoo.com
- mail.yahoo.com
- answers.yahoo.com

Yahoo Search Suggest functionality (including the servers hosting it) as identified in the chart titled “985 - Yahoo - Search Suggest” attached to Eolas’ P.R. 3-2 submission.

Yahoo Mail (including the servers hosting it) as identified in the chart titled “985 - Yahoo - Mail” attached to Eolas’ P.R. 3-2 submission.

Yahoo Maps (including the servers hosting it) as identified in the chart titled “985 - Yahoo - Maps” attached to Eolas’ P.R. 3-2 submission.

My Yahoo (including the servers hosting it) as identified in the chart titled “985 - Yahoo - My Yahoo” attached to Eolas’ P.R. 3-2 submission.

- v. If you are YouTube, then the term “Accused Product(s)” means, but is not limited to, the following:

The websites (including the servers hosting those websites) and functionality identified in the charts titled “906 - YouTube - youtube.com” and “985 - YouTube

- youtube.com” attached to Eolas’ P.R. 3-2 submission. This includes, but is not limited to the following:
www.youtube.com

YouTube Search Suggest functionality (including the servers hosting it) as identified in the chart titled “985 - YouTube - Search Suggest” attached to Eolas’ P.R. 3-2 submission.

The YouTube HTML5 video player as identified in the chart title “985 - YouTube - HTML5” attached to Eolas’ P.R. 3-2 submission.

III. INTERROGATORIES

INTERROGATORY NO. 1:

Separately for each Accused Product, identify and describe all documents generated, created or maintained by You, or of which You are aware, that relate to customer-use studies, surveys, reports, tracking data, estimates, statistics, metrics, analytics, web analytics (including, but not limited to, documents generated using web analytics software such as Adobe Omniture, Coremetrics, SAS, Google, other similar analytic software, or any other analytic tool of which You are aware), profitability studies, business plans and the like regarding how and to what extent Your customers, users of the Accused Products, or others of whom You are aware, access and/or make use of the Accused Products and identify the person(s) most knowledgeable and the documents related to Your response to this Interrogatory. This Interrogatory is limited to October 2004 to the present time.

INTERROGATORY NO. 2:

Separately for each Accused Product, identify the worldwide geographic location(s) (*e.g.* city, state and country) of all of Your servers, or servers of which You are aware, which host, provide access to, or make available, or which have hosted, provided access to, or made available, each Accused Product and identify the web server technology (*e.g.* Apache, etc.) which underlies or powers each server identified and identify the person(s) most knowledgeable and the documents related to Your response to this Interrogatory. This Interrogatory is limited to October 2004 to the present time.

INTERROGATORY NO. 3:

Separately for each Accused Product, identify the number and percentage of users, customers, or others of whom You are aware, who access, and/or make use of the Accused Products utilizing the following browser technologies:

- a. Microsoft Internet Explorer (including mobile versions)
- b. Apple Safari for Windows
- c. Apple Safari for Apple operating systems
- d. Apple Safari for the Apple iPhone or iPod
- e. Browsers for BlackBerry (including the BlackBerry browser)
- f. Google Chrome for Windows
- g. Google Chrome for Apple operating systems
- h. Google Android
- i. Google Chrome for Linux
- j. Firefox for Windows
- k. Firefox for Apple operating systems
- l. Firefox for Linux
- m. Opera for Windows
- n. Opera for Apple operating systems
- o. Opera for Linux
- p. Other browsers or applications not previously mentioned above,

and identify the person(s) most knowledgeable and the documents related to your response to this Interrogatory. Your response should breakdown the number and percentage of users, customers, or others of whom You are aware, into quantifiable periods of time (*e.g.* day, week, month, quarter, year, etc.) as maintained by You in the ordinary course of business. This

Interrogatory is limited to October 2004 to the present time.

INTERROGATORY NO. 4:

Identify and describe all licenses, settlement agreements or covenants-not-to-sue (“Agreements”) entered by You, or of which You are aware, related to patents or patent applications (from any jurisdiction or nationality) related any of the following:

- a. the Accused Products,
- b. AJAX
- c. AJAX-like technologies
- d. JavaScript
- e. Java/JavaFX
- f. Flash
- g. Quicktime
- h. HTML5
- i. WebM
- j. H.264
- k. Web Applications
- l. Internet browser technology/software
- m. Internet browser plug-in technology/software
- n. Internet related software
- o. embedded application technology/software
- p. media software

Your description should include:

- a. the number and nationality of the patent(s)

- b. the entity who owns the patent(s)
- c. the amount paid by you or to you
- d. the date each Agreement was entered
- e. the date the Agreement took effect
- f. the date or events upon which the Agreement terminates
- g. the exclusive or non-exclusive nature of the Agreement

and identify the person(s) most knowledgeable and the documents related to your response to this Interrogatory.

INTERROGATORY NO. 5:

Separately for each Accused Product, describe Your use of, support for, or planned use of or support for the following technologies:

- a. AJAX
- b. AJAX-like technologies
- c. JavaScript
- d. Java/JavaFX
- e. Flash
- f. Quicktime
- g. HTML5
- h. WebM
- i. H.264
- j. web applications

and identify the person(s) most knowledgeable and the documents related to Your response to this Interrogatory. Your description should include the date of first use of each of these

technologies and the extent of use of each of these technologies as related to the Accused Products. This Interrogatory is limited to October 2004 to the present time.

Dated: May 27, 2010

McKool Smith, P.C.

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**ATTORNEYS FOR PLAINTIFF
EOLAS TECHNOLOGIES, INC.**

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served via electronic mail on all counsel of record on this the 27th day of May, 2010.

/s/ Josh Budwin_____

Josh Budwin