

**EXHIBIT 8**



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 accompanying your response.

## **II. DEFINITIONS**

The following terms and definitions shall apply to these Interrogatories:

1. “And” as used herein shall mean and/or.
2. “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.

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

4. "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.

5. "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.

6. “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.

7. “CDW” means CDW 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 CDW or with respect to which it has succeeded to rights or obligations.

8. “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.

9. “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.

10. “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.

11. "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.

12. "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.

13. "J.C. Penney" means the J.C. Penney Corporation, 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.

14. "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.

15. "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.

16. "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.

17. "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.

18. "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.

19. "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.

20. “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.

21. “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.

22. “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.

23. “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.



24. "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.

25. "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.

26. 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.

27. As used herein, the term “Accused Products” shall have the following meaning, depending on your identity:

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

The 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 Player
- Flash Player 10.1
- Flash Player for Pocket PC
- Flash Lite
- Shockwave

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](http://www.Adobe.com)
- [CookBooks.Adobe.com](http://CookBooks.Adobe.com)
- [StudentEditions.Adobe.com](http://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](http://tv.adobe.com)
- [labs.adobe.com](http://labs.adobe.com)
- [www.photoshop.com](http://www.photoshop.com)
- [cocomo.acrobat.com](http://cocomo.acrobat.com)
- [www.adobe.com/financial](http://www.adobe.com/financial)
- [www.adobe.com/manufacturing](http://www.adobe.com/manufacturing)

The pdf plug-in 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:

- Adobe PDF plug-in

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:

- [www.photoshop.com](http://www.photoshop.com)

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.

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.

b. If you are Amazon, then the term “Accused Products” means, but is not limited

to, the following:

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:

- [www.amazon.com](http://www.amazon.com)
- [www.windowshop.com](http://www.windowshop.com)

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:

- [webstore.amazon.com](http://webstore.amazon.com)

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.

The Amazon product slider as identified in the chart titled “985 - Amazon - Slider” attached to Eolas’ P.R. 3-2 submission.

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

The Apple Safari browser for Windows, Apple and other operating systems (including Apple hardware, such as laptops, desktops, the iPad and the iPhone that comes pre-installed with the Apple Safari browser) as identified in the charts titled “906 - Apple - Safari” and “985 - Apple - Safari” attached to Eolas’ P.R. 3-2 submission and supplemental charts “906 - iPad - Safari and iTunes - v2”, “906 - Apple - Safari - Mac - v2”, “906 - Apple - Safari - Windows - v2”, “985 - Apple Safari - Mac - v2”, “985 - Apple - Safari - Windows - v2”, “985 - iPad - Safari and iTunes - v2”, “906 - Safari-WebKit and iTunes-WebKit for iPhone”, and “985 - Safari-WebKit and iTunes-WebKit for iPhone.”

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 and supplemental charts “906 - iPad - Safari and iTunes - v2” and “985 - iPad - Safari and iTunes - v2”, “906 - Safari-WebKit and iTunes-WebKit for iPhone”, and “985 - Safari-WebKit and iTunes-WebKit for iPhone.”

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:

- QuickTime Pro
- QuickTime Broadcaster
- QuickTime Streaming Server
- QuickTime VR Authoring Studio
- Darwin Streaming Server
- QuickTime Player
- QuickTime Plug-in

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:

- [www.apple.com](http://www.apple.com)

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:

- [www.apple.com](http://www.apple.com)
- [developer.apple.com](http://developer.apple.com)

The Apple iAd functionality (including the servers hosting it) identified in the charts attached to Eolas' P.R. 3-2 submission and/or as provided to Apple's counsel.

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.

d. If you are CDW, then the term "Accused Products" 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](http://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.

e. If you are CitiGroup, then the term "Accused Products" 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](http://www.citi.com)
- [www.studentloan.com](http://www.studentloan.com)
- [www.citibank.com](http://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](http://www.citigroup.com)
- [icg.citi.com](http://icg.citi.com)
- [www.citimortgage.com](http://www.citimortgage.com)
- [www.citifinancial.com](http://www.citifinancial.com)
- [www.transactionservices.citigroup.com](http://www.transactionservices.citigroup.com)
- [www.privatebank.citibank.com](http://www.privatebank.citibank.com)
- [www.citicards.com](http://www.citicards.com)
- [online.citibank.com](http://online.citibank.com)
- [www.primerica.com](http://www.primerica.com)

<ul style="list-style-type: none"> <li>• <a href="http://www.banamex.com">www.banamex.com</a></li> </ul>
<p>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:</p> <ul style="list-style-type: none"> <li>• CitiDirect Online Banking</li> <li>• Citibank Online Investments (OLI)</li> <li>• Citi International Financial Services Net Exchange</li> <li>• CitiFX Pro Web.</li> </ul>
<p>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:</p> <ul style="list-style-type: none"> <li>• <a href="http://online.citibank.com">online.citibank.com</a></li> <li>• <a href="http://www.citifinancialauto.com">www.citifinancialauto.com</a></li> </ul>

f. If you are eBay, then the term “Accused Products” 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 - eBay - Chart1” and “985 - eBay - 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"> <li>• <a href="http://www.ebay.com">www.ebay.com</a></li> <li>• <a href="http://neighborhoods.ebay.com">neighborhoods.ebay.com</a></li> <li>• <a href="http://success.ebay.com">success.ebay.com</a></li> </ul>
<p>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:</p> <ul style="list-style-type: none"> <li>• <a href="http://antiques.shop.ebay.com">http://antiques.shop.ebay.com</a></li> <li>• <a href="http://www.ebaygreenteam.com/ns/buy-green.html">http://www.ebaygreenteam.com/ns/buy-green.html</a></li> <li>• <a href="http://givingworks.ebay.com">http://givingworks.ebay.com</a></li> <li>• <a href="http://art.shop.ebay.com">http://art.shop.ebay.com</a></li> <li>• <a href="http://baby.shop.ebay.com">http://baby.shop.ebay.com</a></li> <li>• <a href="http://business.shop.ebay.com">http://business.shop.ebay.com</a></li> <li>• <a href="http://photography.shop.ebay.com">http://photography.shop.ebay.com</a></li> <li>• <a href="http://www.motors.ebay.com">http://www.motors.ebay.com</a></li> <li>• <a href="http://cell-phones.ebay.com">http://cell-phones.ebay.com</a></li> <li>• <a href="http://coins.ebay.com">http://coins.ebay.com</a></li> <li>• <a href="http://computers.ebay.com">http://computers.ebay.com</a></li> <li>• <a href="http://dolls.shop.ebay.com">http://dolls.shop.ebay.com</a></li> <li>• <a href="http://services.ebay.com">http://services.ebay.com</a></li> <li>• <a href="http://video-games.ebay.com">http://video-games.ebay.com</a></li> <li>• <a href="http://electronics.ebay.com">http://electronics.ebay.com</a></li> </ul>
<p>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.</p>
<p>The websites (including the servers hosting those websites) and functionality</p>

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](http://www.ebay.com)

g. If you are Frito-Lay, then the term "Accused Products" 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](http://Frito-Lay.com)

h. If you are GoDaddy, then the term "Accused Products" 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](http://www.godaddy.com)
- [radiogodaddy.com](http://radiogodaddy.com)
- [videos.godaddy.com](http://videos.godaddy.com)

i. If you are Google, then the term "Accused Products" 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](http://DoubleClick.com)
- [Finance.Google.com](http://Finance.Google.com)
- [Video.Google.com](http://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 and supplemental charts

<p>“906 - Episodic - Flash - episodic.com” and “985 - Episodic - Flash - episodic.com”. This includes, but is not limited to the following:</p> <ul style="list-style-type: none"> <li>• <a href="http://google.com/googlevoice">google.com/googlevoice</a></li> <li>• <a href="http://news.google.com">news.google.com</a></li> <li>• <a href="http://picasa.google.com">picasa.google.com</a></li> <li>• <a href="http://sketchup.google.com">sketchup.google.com</a></li> <li>• <a href="http://google.com/googlevoice">google.com/googlevoice</a></li> <li>• <a href="http://services.google.com">services.google.com</a></li> <li>• <a href="http://google.com/latitude">google.com/latitude</a></li> <li>• <a href="http://en.blog.orkut.com">en.blog.orkut.com</a></li> <li>• <a href="http://www.episodic.com">www.episodic.com</a></li> </ul>
<p>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.</p>
<p>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:</p> <ul style="list-style-type: none"> <li>• <a href="http://www.google.com/phone">www.google.com/phone</a></li> </ul>
<p>Google AdSense (including the servers hosting it) as identified in the chart titled “985 - Google - AdSense” attached to Eolas’ P.R. 3-2 submission.</p>
<p>Google Documents (including the servers hosting it) as identified in the chart titled “985 - Google - Documents” attached to Eolas’ P.R. 3-2 submission.</p>
<p>Google Gmail (including the servers hosting it) as identified in the chart titled “985 - Google - Gmail” attached to Eolas’ P.R. 3-2 submission.</p>
<p>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.</p>
<p>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.</p>
<p>Google Maps (including the servers hosting it) as identified in the chart titled “985 - Google - Maps” attached to Eolas’ P.R. 3-2 submission.</p>
<p>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.</p>
<p>Google Instant (including the servers hosting it) as identified in the charts attached to Eolas’ P.R. 3-2 submission and/or as provided to Google’s counsel.</p>
<p>iGoogle (including the servers hosting it) as identified in the chart titled “985 - Google - iGoogle” attached to Eolas’ P.R. 3-2 submission.</p>

j. If you are J.C. Penney, then the term “Accused Products” 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>
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- [www.jcpenneybrands.com](http://www.jcpenneybrands.com)
- [www.jcpenney.net](http://www.jcpenney.net)
- [www.jcpenney.com](http://www.jcpenney.com)

k. If you are JPMorgan, then the term “Accused Products” 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"> <li>• <a href="http://www.JPMorgan.com">www.JPMorgan.com</a></li> <li>• <a href="http://www.Chase.com">www.Chase.com</a></li> <li>• <a href="http://thewayforward.jpmorganchase.com">thewayforward.jpmorganchase.com</a></li> </ul>   |
| <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"> <li>• <a href="http://efxdemo.jpmorgan.com">efxdemo.jpmorgan.com</a></li> <li>• <a href="http://demo.chase.com">demo.chase.com</a></li> <li>• <a href="http://www.jpmorgan.com">www.jpmorgan.com</a></li> <li>• <a href="http://mortgage.chase.com">mortgage.chase.com</a></li> <li>• <a href="http://www.jpmorganchase.com">www.jpmorganchase.com</a></li> <li>• <a href="http://newhire.jpmorganchase.com">newhire.jpmorganchase.com</a></li> </ul> |
| <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"> <li>• <a href="https://chaseonline.chase.com/">https://chaseonline.chase.com/</a></li> </ul>  |

l. If you are New Frontier Media, then the term “Accused Products” 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"> <li>• <a href="http://www.lightning-ent.com">www.lightning-ent.com</a></li> <li>• <a href="http://www.mainlinereleasing.com">www.mainlinereleasing.com</a></li> <li>• <a href="http://media.lightning-ent.com">media.lightning-ent.com</a></li> </ul> |
| <ul style="list-style-type: none"> <li>• The websites (including the servers hosting those websites) and functionality identified in the charts titled “906 - New Frontier Media - Adult Websites” and “985 - New Frontier Media - Adult Websites” attached to Eolas’ P.R. 3-2 submission and supplemental charts “906 -</li> </ul>   |

New Frontier - Adult 2” and “985 - New Frontier - Adult 2.”

m. If you are Office Depot, then the term “Accused Products” 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](http://www.officedepot.com)
- [www.techdepot.com](http://www.techdepot.com)
- [www.ativaproducts.com](http://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.

n. If you are Perot Systems, then the term “Accused Products” 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>

o. If you are Playboy, then the term “Accused Products” 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](http://Playboy.com)
- [PlayboyStore.com](http://PlayboyStore.com)
- [Cyber.Playboy.com](http://Cyber.Playboy.com)
- [VideoGirls.Playboy.com](http://VideoGirls.Playboy.com)
- [PlayboyFragrances.com](http://PlayboyFragrances.com)
- [PlayboyTV.com](http://PlayboyTV.com)
- [PlayboysAllNaturals.com](http://PlayboysAllNaturals.com)
- [PlayboysBustyBabes.com](http://PlayboysBustyBabes.com)
- [PlayboysFreshFaces.com](http://PlayboysFreshFaces.com)
- [PlayboysSexyWives.com](http://PlayboysSexyWives.com)

- [PlayboysStudentBodies.com](http://PlayboysStudentBodies.com)
- [WomenOfPlayboy.com](http://WomenOfPlayboy.com)
- [Tour.PlayboyPlus.com](http://Tour.PlayboyPlus.com)
- [PlayboyGolf.com](http://PlayboyGolf.com)
- [PlayboyLive.com](http://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.

p. If you are Rent-a-Center, then the term “Accused Products” 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](http://rentacenter.com)

q. If you are Staples, then the term “Accused Products” 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](http://staples.com)
- [media.staples.com](http://media.staples.com)

The Staples AutoComplete functionality (including the servers hosting it) identified in the chart titled “985 - Staples Autocomplete.”

r. If you are Sun, then the term “Accused Products” 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)
- Java Runtime Environment
- Java Virtual Machine
- Java Card Technology
- Java Plug-in

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](http://www.sun.com)
- [webcast-west.sun.com](http://webcast-west.sun.com)
- [identityhero.sun.com](http://identityhero.sun.com)
- [netbeans.org](http://netbeans.org)
- [blogs.sun.com](http://blogs.sun.com)
- [www.opensparc.net](http://www.opensparc.net)
- [java.sun.com](http://java.sun.com)
- [channelsun.sun.com](http://channelsun.sun.com)
- [sunsolve.sun.com](http://sunsolve.sun.com)
- [developers.sun.com](http://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](http://java.sun.com)
- [www.javafx.com](http://www.javafx.com)

s. If you are Texas Instruments, then the term “Accused Products” 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](http://www.ti.com)
- [www.dlp.com](http://www.dlp.com)
- [www.84silver.com](http://www.84silver.com)
- [www.timathrocks.com](http://www.timathrocks.com)

- [www.education.ti.com](http://www.education.ti.com)

t. If you are Yahoo, then the term “Accused Products” 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](http://movies.yahoo.com)
- [autos.yahoo.com](http://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](http://new.music.yahoo.com)
- [developer.yahoo.com](http://developer.yahoo.com)
- [video.yahoo.com](http://video.yahoo.com)
- [travel.yahoo.com](http://travel.yahoo.com)
- [tv.yahoo.com](http://tv.yahoo.com)
- [sports.yahoo.com](http://sports.yahoo.com)
- [games.yahoo.com](http://games.yahoo.com)
- [messenger.yahoo.com](http://messenger.yahoo.com)
- [advertising.yahoo.com](http://advertising.yahoo.com)
- [finance.yahoo.com](http://finance.yahoo.com)
- [news.yahoo.com](http://news.yahoo.com)
- [ysearchblog.com](http://ysearchblog.com)
- [mobile.yahoo.com](http://mobile.yahoo.com)
- [omg.yahoo.com](http://omg.yahoo.com)
- [shine.yahoo.com](http://shine.yahoo.com)
- [www.flickr.com](http://www.flickr.com)
- [selfcare.hotjobs.yahoo.com](http://selfcare.hotjobs.yahoo.com)
- [security.yahoo.com](http://security.yahoo.com)
- [mail.yahoo.com](http://mail.yahoo.com)
- [answers.yahoo.com](http://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.

u. If you are YouTube, then the term “Accused Products” 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: <a href="http://www.youtube.com">www.youtube.com</a>
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.

28. Embedded Interactive Media means embedded audio, visual, and/or video content that allows a user to pause, play, fast-forward, rewind, advance, and/or vary the volume of the content.

29. Embedded Interactive Ads means embedded advertising content that allows a user to scroll through different ads or otherwise interact with the ad.

30. Flash and Shockwave means Adobe Flash and Adobe Shockwave (formerly Macromedia Flash and Macromedia Shockwave) used to add animation, video, and/or interactivity to web pages.

31. QuickTime means the multimedia framework developed by Apple Inc., capable of handling various formats of digital video, picture, sound, panoramic images, and interactivity.

32. HTML5 means HTML used to add animation, video, audio, and/or interactivity to web pages through the use of the <video> tag, <audio> tag or some other method for including interactive multimedia and graphical content on the web without having to resort to proprietary plugins and APIs.

33. AJAX means a group of interrelated web development methods used on the client-side to create interactive web applications. With Ajax, web applications can retrieve data from the server asynchronously in the background without interfering with the display and behavior of the existing page (i.e., there is no need to “refresh” the page to update the information displayed). Data is usually (but not necessarily) retrieved using the XMLHttpRequest object. Despite the name, the use of XML is not needed, and the requests need not be asynchronous.

34. Interactive Product Viewer means any product viewer that provides zoom and/or pan functionality for viewing the image.

35. As used herein, the term “Accused Feature” means and includes, but is not limited to, the use and/or support of (a) embedded interactive media (including, but not limited to, Flash, Shockwave, QuickTime, and HTML5), (b) Embedded Interactive Ads, (c) AJAX or AJAX-like functionality, and (d) Interactive Product Viewers.

36. As used herein, “Relevant Period” means the date of introduction of each Accused Feature or October 2003, whichever is earlier, and the present.

## **INTERROGATORIES**

### **INTERROGATORY NO. 10 TO ALL DEFENDANTS:**

For each asserted claim of Eolas' patents-in-suit, on a claim-by-claim, Accused Product-by-Accused Product, and Accused Feature-by-Accused Feature basis, state your contention, if any, as to any changes, additions, or modifications to the source code made during the Relevant Period that supports, refutes, or otherwise relates to any contention of non-infringement by You with respect to each Accused Feature of each Accused Product. Your response should include, but should not be limited to, (i) the dates of such changes to the source code of the Accused Product, (ii) the circumstances and reasons surrounding the decision to implement such changes to the source code of the Accused Product, (iii) the operation of the Accused Feature both before and after such changes to the source code of the Accused Product, (iv) and the identity of the person most knowledgeable about your response to this interrogatory.



Dated: April 1, 2011.

**McKool Smith, P.C.**

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**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served via electronic mail on all counsel of record on this the 1<sup>st</sup> day of April, 2011.

/s/ Matt Rappaport  
Matt Rappaport