

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

**EOLAS TECHNOLOGIES INC., AND
THE REGENTS OF THE
UNIVERSITY OF CALIFORNIA,**

Plaintiffs,

vs.

ADOBE SYSTEMS INCORPORATED, et al.

Defendants.

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§ **Civil Action No. 6:09-cv-00446-LED**
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§ **Jury Trial Demanded**
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**UNOPPOSED MOTION TO EXTEND DEADLINE
FOR J.C. PENNEY’S REBUTTAL EXPERT REPORT ON DAMAGES**

This Motion is unopposed. On September 15, 2011, the Court entered a Docket Control Order setting November 15, 2011, as the deadline for the rebuttal expert reports (excluding Defendant Frito-Lay). Defendant J.C. Penney Corporation, Inc. (“J.C. Penney”) has requested an extension of the deadline for J.C. Penney’s rebuttal expert report on damage to November 23, 2011, from Plaintiffs, and Plaintiffs do not oppose this request.

This Motion is not made for delay and should not impact any other deadline applicable to this litigation, except for scheduling of depositions of Plaintiffs’ and J.C. Penney’s damages experts as to damages asserted against J.C. Penney. Accordingly, J.C. Penney respectfully moves the Court for an Order extending the deadline for J.C. Penney’s damage report from November 15, 2011, to November 23, 2011.

Dated: November 15, 2011

BUETHER JOE & CARPENTER, LLC

By: /s/ Christopher M. Joe

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**ATTORNEYS FOR DEFENDANT
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a) on this 15th day of November 2011. Any other counsel of record will be served by facsimile transmission and first class mail.

/s/ Christopher M. Joe

Christopher M. Joe

CERTIFICATE OF CONFERENCE

I conferred with Plaintiff's counsel Josh Budwin on November 14, 2011, and he indicated that Plaintiffs were not opposed to the relief sought in this Motion.

/s/ Christopher M. Joe

Christopher M. Joe