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

Eolas Technologies Incorporated, \(\omega Plaintiff. Civil Action No. 6:09-CV-00446-LED VS. Adobe Systems Inc., Amazon.com, Inc., **JURY TRIAL** Apple Inc., Argosy Publishing, Inc., Blockbuster Inc., CDW Corp., Citigroup Inc., eBay Inc., Frito-Lay, Inc., The Go Daddy Group, Inc., Google Inc., J.C. Penney Company, Inc., JPMorgan Chase & Co., New Frontier Media, Inc., Office Depot, Inc., Perot Systems Corp., Playboy Enterprises International, Inc., Rent-A-Center, Inc., Staples, Inc., Sun Microsystems Inc., Texas Instruments Inc., Yahoo! Inc., and YouTube, LLC Defendants.

PLAINTIFFS' UNOPPOSED MOTION TO EXTEND THE DEADLINE FOR PLAINTIFFS' REBUTTAL EXPERT REPORT ON DAMAGES

Plaintiffs the Regents of the University of California and Eolas Technologies, Inc. (collectively, "Plaintiffs") file this, their Unopposed Motion to Extend the Deadline For Plaintiffs' Rebuttal Expert Report and respectfully show the Court the following:

On September 15, 2011, the Court entered a Docket Control Order setting November 15, 2011, as the deadline for rebuttal expert reports. [Dkt. No. 979.] On November 14, 2011 at 10:15 pm Defendants served a supplemental expert report authored by Nicholas P. Godici. To address Mr. Godici's original and supplemental report in one report, Plaintiffs have requested an extension of the deadline for Plaintiffs' rebuttal expert report to Nicholas P. Godici's expert reports from the current deadline of November 15, 2011 up to and including November 29, 2011.

This Motion is not made for delay and should not impact any other deadline applicable to this litigation. Accordingly, Plaintiffs respectfully move the Court for an Order extending the deadline for Plaintiffs to serve their rebuttal expert report to Nicholas P. Godici's expert reports from November 15, 2011 up to and including November 29, 2011. Defendants have indicated that they are not opposed to the relief requested in this motion.

Dated: November 15, 2011.

McKool Smith, P.C.

/s/ Mike McKool

Mike McKool Lead Attorney

Texas State Bar No. 13732100 mmckool@mckoolsmith.com

Douglas Cawley

Texas State Bar No. 04035500 dcawley@mckoolsmith.com

Holly Engelmann

Texas State Bar No. 24040865 hengelmann@mckoolsmith.com

McKool Smith, P.C.

300 Crescent Court, Suite 1500

Dallas, Texas 75201

Telephone: (214) 978-4000 Telecopier: (214) 978-4044

Kevin L. Burgess

Texas State Bar No. 24006927 kburgess@mckoolsmith.com

Josh W. Budwin

Texas State Bar No. 24050347

jbudwin@mckoolsmith.com

Gretchen K. Curran

Texas State Bar No. 24055979 gcurran@mckoolsmith.com

Matthew B. Rappaport

Texas State Bar No. 24070472

mrappaport@mckoolsmith.com

J.R. Johnson

Texas State Bar No. 24070000 jjohnson@mckoolsmith.com

McKool Smith, P.C.

300 West Sixth Street, Suite 1700

Austin, Texas 78701

Telephone: (512) 692-8700 Telecopier: (512) 692-8744

Robert M. Parker
Texas State Bar No. 15498000
rmparker@pbatyler.com
Robert Christopher Bunt
Texas Bar No. 00787165
rcbunt@pbatyler.com
Andrew T. Gorham
Texas State Bar No. 24012715
tgorham@pbatyler.com
PARKER, BUNT & AINSWORTH, P.C.
100 E. Ferguson, Suite 1114
Tyler, Texas 75702
(903) 531-3535
(903) 533-9687- Facsimile

ATTORNEYS FOR PLAINTIFF EOLAS TECHNOLOGIES INC. AND THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

CERTIFICATE OF CONFERENCE

Counsel for Plaintiffs have conferred with counsel for Defendants regarding the relief requested in this Motion. Defendants are unopposed to the relief requested in this Motion

/s/ Josh Budwin
Josh W. Budwin

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who have consented to electronic services pursuant to Local Rule CV-5(a)(3)(A), on November 15, 2011.

/s/ Josh Budwin
Josh W. Budwin