

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

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

**PLAINTIFFS’ UNOPPOSED MOTION FOR LEAVE TO SUPPLEMENT
THEIR P.R. 3-1 INFRINGEMENT CONTENTIONS WITH RESPECT
TO STAPLES, INC.’S NEW WAY WEBSITES**

Pursuant to Patent Rule 3-6, Plaintiffs The Regents of the University of California and Eolas Technologies Incorporated (“Plaintiffs”) respectfully request leave to supplement their infringement contentions as to Defendant Staples, Inc. (“Staples”) with respect to order.staplesadvantage.com and those websites to which it links, such as www.staplesadvantagecatalogs.com (“New Way websites”). Staples is unopposed to the relief requested in this Motion.

Plaintiffs served their original infringement contentions against Staples on March 5, 2010. Staples’ New Way websites did not become “live” until October 24, 2011. At that time, Plaintiffs’ experts used the log-in credentials provided by Staples to expeditiously and diligently

examine and analyze the New Way websites. On November 14, 2011, in an attempt to obtain consent to file this Motion unopposed, Plaintiffs provided Staples a supplemental expert report and supporting documents for Plaintiffs' infringement allegations concerning the New Way websites and have, since that time, diligently worked with Staples to obtain agreement to add the New Way websites to this case. Today, the parties reached an agreement regarding the scope of discovery regarding the New Way websites and, thus, Plaintiffs have just now obtained consent to file this Motion unopposed.

Plaintiffs have clearly met the good cause standard for supplementing infringement contentions. First, the New Way websites were made "live" 18 months after Plaintiffs had served their original infringement contentions. Second, Plaintiffs served their supplemental expert report on Staples as soon as Plaintiffs' experts were able to conclude their investigation of the New Way websites. Third, excluding the New Way websites would require duplicative litigation.

For the foregoing reasons, Plaintiffs respectfully request that the Court grant their motion to supplement their infringement contentions.

Dated: December 22, 2011

Respectfully submitted,

McKool Smith, P.C.

/s/ Mike McKool

Mike McKool

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AND THE REGENTS OF THE
UNIVERSITY OF CALIFORNIA**

CERTIFICATE OF CONFERENCE

The undersigned certifies that the parties have complied with Local Rule CV-7(h)'s meet-and-confer requirement. Staples is unopposed to the relief sought in this Motion.

/s/ Gretchen K. Curran

Gretchen K. Curran

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 on December 22, 2011. Local Rule CV-5(a)(3)(A).

/s/ Gretchen K. Curran

Gretchen K. Curran