

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

Eolas Technologies Incorporated,)
)
 Plaintiff,)
 vs.)
)
 Adobe Systems Inc., Amazon.com, Inc., 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.)
)
)
)
)

Civil Action No. 6:09-cv-446

Honorable Judge Leonard E. Davis

JURY TRIAL DEMANDED

**UNOPPOSED DEFENDANT CDW LLC'S MOTION FOR LEAVE
TO FILE A STAND-ALONE MOTION IN LIMINE**

CDW hereby requests leave of Court to file a short stand-alone motion in limine seeking to exclude plaintiffs' suggestion, argument or evidence that CDW could completely remove or disable accused features at minimal cost. A copy of CDW's motion is attached hereto as Exhibit A.

CDW seeks leave of Court to file this motion as a stand-alone motion because CDW's co-defendants do not join in this motion. However, the total number of issues raised in the Defendants' omnibus motion in limine (Docket No. 1189) and CDW's stand-alone motion in limine will not exceed ten issues, nor will the briefs in support of these motions exceed a total of fifteen pages.

Counsel for Plaintiffs has indicated that Plaintiffs do not oppose CDW's filing of a stand-alone motion in limine.

Accordingly, CDW requests leave of court to file a single stand-alone motion in limine.

Dated: January 9, 2012

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN LLP

By: /s/ John R. Labbé

Thomas L. Duston

tduston@marshallip.com

Julianne Hartzell

jhartzell@marshallip.com

John R. Labbé

jlabbe@marshallip.com

Scott A. Sanderson

ssanderson@marshallip.com

6300 Willis Tower

233 South Wacker Drive

Chicago, IL 60606-6357

Telephone: (312) 474-6300

Facsimile: (312) 474-0448

Brian Craft

bcraft@findlaycraft.com

Eric H. Findlay

efindlay@findlaycraft.com

FINDLAY CRAFT, LLP

6760 Old Jacksonville Highway, Suite 101

Tyler, Texas 75703

Telephone: (903) 534-1100

Attorneys for Defendant

CDW LLC

CERTIFICATE OF CONFERENCE

I hereby certify that the parties met and conferred regarding the relief requested in this Motion for Leave on January 9, 2012, and counsel for Eolas indicated that Eolas does not oppose CDW's filing of a stand-alone motion in limine as requested in this Motion for Leave.

/s/ John R. Labbé

John R. Labbé

CERTIFICATE OF SERVICE

I, John R. Labbé, an attorney, hereby certify that I caused a copy of the foregoing UNOPPOSED DEFENDANT CDW LLC'S MOTION FOR LEAVE TO FILE A STAND-ALONE MOTION IN LIMINE to be served on all counsel of record via electronic mail via the Court's ECF system.

/s/ John R. Labbé

John R. Labbé