

EXHIBIT 26

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

EOLAS TECHNOLOGIES, INC.

Plaintiff,

v.

ADOBE SYSTEMS INC., ET AL.,

Defendant.

CV 6:09-cv-446 LED

JURY TRIAL DEMANDED

STAPLES, INC.'S AMENDED TRIAL EXHIBIT LIST

Defendant Staples, Inc. (“Staples”) submits the following Trial Exhibit List. This exhibit list is for notice purposes only. Staples does not know the precise nature or scope of the testimony and evidence that the Plaintiffs may seek to present at trial. As such, Staples reserves the right to modify, amend or supplement this list prior to or during the trial based on case developments including, by way of example and not of limitation, rulings by the Court on any motions and/or in limine, especially regarding content found in some of the exhibits. Staples reserves the right to remove exhibits and/or portions of the exhibits from its list and will work with Plaintiffs to reduce the number of exhibits. Staples’ inclusion of any exhibits on the list set forth below is not a stipulation as to their admissibility. Staples further reserves the right to use, for any purpose, any exhibits set forth by any of the other Defendants and/or Plaintiffs on their trial exhibit lists. Staples also reserves the right to use any document—including those not identified on the following exhibit list and/or Plaintiffs’ trial exhibit list(s)—for impeachment purposes or as a demonstrative.

Trial Exhibits for Staples, Inc.

Eolas v. Adobe, et al.

No. 09-cv-446

January 13, 2012

<u>No.</u>	<u>Description of Exhibit</u>	<u>Bates</u>	Expect to Call (A)\ May Call (B)	Marked	Offered	Objection	Admitted	Date	Witness
1.	Staples.com Screen Shots	SI 257864 – 257871 Doyle Dep.Ex. 38							
2.	Staples.com web pages	SI 258129 – 258131; SI 285075 – 258077; SI 258198; SI 257986; SI 257989; SI 257973; SI 257971; SI 258255 Martin Dep.Ex. 25							
3.	NOT USED								
4.	08/09/2011- Larry Blalock Landscaping Website Print Out and Source Code	SI 257528–257532							
5.	08/09/2011 - Brookshire’s Website Print Out and Source Code	SI 257533–257579							
6.	08/09/2011- Fred’s Dollar Store Website Print Out and Source Code	SI 257580–257637							
7.	08/10/2011 - Peltier Chevrolet Website Print Out and Source Code	SI 257638–257862							

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8.	00/00/1996 - Staples for Success, Thomas G. Stemberg	SI 257863							
9.	05/13/2011 - Stephen Miller, Big Box Pioneer Applied Lessons to Office Supplies, The Wall Street Journal	SI 257872–257873							
10.	Image of Leo Khan and Thomas Stemberg	SI 257874							
11.	08/11/2011 - Slideshow Screen Shots and source code	SI 257915 – 257917; SI 267391 – 267428; SI 267605							
12.	08/12/2011 - Staples.com Carousel Printout	SI 257918							
13.	Homepage Source code	SI 257919–257968							
14.	08/11/2011 - Screen Shot of media.staples.com and source code	SI 257969 – 257972; SI 267191 – 267203							
15.	08/12/2011 - Screen Shot media.staples.com	SI 257981							
16.	08/11/2011 Screen Shots Weekly Ad and Print Outs	SI 257985-257988; SI 257989-257990; SI 258032-258033; SI 267457-267490							
17.	08/11/2011 - Interactive Zoom and Source Code	SI 258075 – 258077; SI 267131 – 267190; SI 267609							
18.	08/12/2011 - Interactive Zoom Screen shot	SI 258078							

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19.	Interactive Zoom with Code	SI 258079-258120							
20.	08/11/2011 - Screen shot of HTML5 video and Source Code	SI 258129 – 258131; SI 267429 - 267456; SI 267606 – 267607							
21.	Initial HTML5 Video Code	SI 258132-258164							
22.	Initial HTML5 Video Code	SI 258165-258197							
23.	08/11/2011 - Carousel and Source Code	SI 258198-258202; SI 267204-267390							
24.	Carousel Homepage Source Code	SI 258203-258252							
25.	08/11/2011 - Autocomplete and Source Code	SI 258253 – 258255; SI 267054 – 267128							
26.	2011 - Sitecatalyst Monthly Period 6	SI 259443							
27.	12/20/2011 - Screenshot of Tyler Azalea Trial Slideshow 01 to 04	SI 267592 - 267595							
28.	12/20/2011 - Screenshot of Tyler Chamber of Commerce Movie	SI 267596							
29.	12/20/2011 - Screenshot of Tyler Images Magazine 01 to 03	SI 267597 - 267599							
30.	12/20/2011 - Screenshot of Tyler Images Magazine magnification	SI 267600							
31.	12/20/2011 - Screenshot of Tyler autocomplete	SI 267603							

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32.	Scene 7 Implementation Requirements Work Plan	SI 004358-004366 King Dep. Ex. 5							
33.	05/00/2009 - Staples.com Site Tour	SI 251781-251796 Moore Dep. Ex. 11							
34.	09/24/2008 - Scene 7 Integration Staples.com 5.9 Micro Design Document	SI 001654-001667 Peck Dep. Ex. 15							
35.	09/26/2008 - S7 Integration Product Tours, Product Videos Custom Tab Webcollage/Sellpoint Integration Staples.com 5.9 - Phase 2 Micro Design Document	SI 001002 - 001015 Peck Dep. Ex. 5							
36.	10/30/2008 - Staples 5.9 – Scene 7 SKU Page Redesign Project Requirements Document	SI 243651-243675 Peck Dep. Ex. 6							
37.	02/08/2010 - Home Page Redesign Project Requirements Document	SI 004010-004044 Peck Dep. Ex. 8							
38.	03/04/2011 - Email from S. Stier to S. Angerman, et al., Re: SBD IT Executive Summary – February 2011	SI 247132-247136 Tilzer Dep. Ex. 15							
39.	03/02/2011 - Staples 10-K, Fiscal Year Ended January 29, 2011	Vareschi Dep. Ex. 4							
40.	11/03/2010 - Email from S. Zakrajsek Re: howcast_october.xlsx	SI 206914-206931 Zakrajsek Dep. Exs. 9 – 10							
41.	Screenshot of Easy Button Demo	SI 000841-000846							
42.	09/13/2011 - Email from L. Luo Re: Staples.com AB Test: Class Page Carousel	SI 265104-265106							
43.	01/29/2006 – 10/30/200 - Browser Usage for Staples.com from 2006 to Oct. 2011	SI 001132 – 001145; SI 266803 – 266814							

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44.	09/01/2011 – 12/16/2011 - Browser Usage for order.staplesadvantage.com	SI 267580-267581							
45.	Staples Consolidated Statements of Income	SI 121007-121037							
46.	Goal 2 Execute Digital Strategy, J.C. Penney Company, Inc.	JCP-EOLAS 20003918-924							
47.	Men's Dress Shirts Scene 7 Test, J.C. Penney Company, Inc.	JCP-EOLAS 0054933							
48.	06/07/2011 - June 2011 Usability Test	SI 246507-246512							
49.	08/23/2011 - August 2011 Usability Test	SI 264456-264464							
50.	04/07/2010 - Staples.com Easy Search Autocomplete Report	SI 169610-169615							
51.	04/14/2008 - Staples.com 5.9 Release SKU Page Redesign Project Charter	SI 001087-001096							
52.	01/29/2010 - Basket Builder Project Requirements Document	SI 003883-003903							

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53.	Approval Emails for Staples' Website Projects	SI 003904 – 003906; SI 003912 – 003915 ; SI 004051 – 004053; SI 004356; SI 254681 – 254683; SI 254755 – 254756; SI 254676 – 254678; SI 248476; SI 248279; SI 248714; SI 249341; SI 249077							
54.	09/08/2009 - Emails Re: Home page PRD	SI 004046-004048							
55.	02/03/2010 - Caching Strategy Math Stories Staples.com Release 6.0.9 Personalization Phase II	SI 004137-004152							
56.	03/03/2010 - Home Page and Banners Staples.com 6.09 - Home Page Micro Design Document	SI 004171-004188							
57.	03/19/2010 - Staples.com 6.0.9 Release Personalization Phase 2 and Basket Builder Technical Design	SI 004260-004268							
58.	Staples.com Personalization and Home Page Phase II	SI 017535-017554							
59.	11/14/2007 - Email from D. Mastovsky Re: Staples.com 2008 Project Outlook.xls	SI 020994-020995							
60.	07/31/2008 - Email from K. Moore Re: SBD Leadership Meeting_IS Updates	SI 027566-027567							

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61.	01/22/2010 - Staples.com - 2009 in Review Presentation	SI 027925-027936							
62.	04/03/2009 - Staples.com - 2008 in Review Presentation	SI 027937-027951							
63.	02/12/2009 - SBD Leadership Meeting IS Updates and Release Plans Presentation	SI 039560-039567							
64.	01/27/2010 - Staples.com Run Book	SI 101483-101682							
65.	04/15/2008 - Staples.com 5.8.5 Release Improve Checkout Process and Ship to Store Technical Design	SI 120469-120478							
66.	SBD Sales by Period (P12'03 - P9'10)	SI 121028-121030							
67.	10/15/2008 - Professional Services Agreement between Vendaria Media, Inc. and Staples, Inc.	SI 124072-124086							
68.	2010 - Staples.com Browse Path Redesign Proposal	SI 124135-124157							
69.	Akamai Agreements	SI 125530-125559							
70.	06/22/2008 - ShopLocal Agreements	SI 125637-125641; SI 125676-125697; SI 125698-125699; SI 125703-125706							
71.	08/08/2008 - Purchase Authorization between Adobe Systems Incorporated and Staples Contract & Commercial, Inc. and Amendments	SI 125642-125673; SI 264230 - 264234							
72.	04/14/2010 - Email from L. McKenna Re: Testing Preparation	SI 169609							

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73.	06/04/2010 - Email from T. Greenberg Re: Staples.com 6.0.9 launch	SI 170277-170278							
74.	05/07/2010 - Mobile Cloud Software License Agreement between Expicient, Inc. and Staples, Inc.	SI 206956-206984							
75.	12/01/2008 - Staples.com 5.9 Release SKU Page Redesign Project Requirements Document	SI 243567-243625							
76.	03/16/2009 - Staples.com Release 5.9 - Merchandise Training	SI 243626-243650							
77.	09/23/2009 - Personalization and Home Page PDB Technical Design	SI 243877-243907							
78.	10/13/2005 - Staples.com Site Update Presentation	SI 244359-244391							
79.	02/16/2006 - Promotional SKU Bundling for Staples.com System Requirements Specification	SI 245405-245438							
80.	04/13/2011 - Email from S. Stier Re: SBD IT Executive Summary - March 2011	SI 247137-247142							
81.	05/06/2011 - Email from S. Stier Re: SBD IT Executive Summary - April 2011	SI 247143-247147							
82.	05/00/2011 - SBD IT Executive Summary - May 2011	SI 247150-247152							
83.	Staples Customer Satisfaction Presentation	SI 251807-251822							
84.	Test Summary: LPB Banner Existence	SI 254570-254572							
85.	09/17/2010 - Staples.com 6.0 Personalization Project Requirement Document	SI 254628 – 254675							
86.	02/17/2009 - Staples.com 6.0 Personalization Project Charter	SI 254685-254694							

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87.	10/05/2009 - Staples.com 6.0.7 Release Personalized Product Recommendations Technical Design	SI 254736-254745							
88.	10/05/2007 - Staples.com 5.8: Search System Requirements Specification	SI 254945-255016							
89.	09/00/2006 - Staples Positioning Mission Statement Exploratory	SI 259024-259052							
90.	03/12/2010 - NAD Office Supplies Strategy Operating Review	SI 259186-259199							
91.	10/00/2009 - Staples.com 6.1 Browse Path Redesign/Guided Navigation Project Requirements Document	SI 259342-259419							
92.	Staples Release 5.9 - Merchandise Training	SI 260644-260653							
93.	06/27/2011 - Email from E. White Re: Support Track Release 2	SI 261008-261009							
94.	06/29/2009 - Staples.com 6.0.5 Release: Support Track Technical Design	SI 266768-266775							
95.	02/19/2009 - Release 5.9.6 Support Track Change Requests	SI 266776-266783							
96.	05/21/2007 - Staples.com 5.7.5: Customer Reviews System Requirements Specification	SI 266790-266802							
97.	03/05/2004 - Staples.com 5.0 Build Documentation	SI 003767-003801							
98.	07/00/2011 - AIPLA Report of the Economic Survey	SI 267566 – 267578							
99.	Financials for Eway and Stapleslink	SI 266999 – 267050							

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100.	Financials for New Way	TBD							
101.	08/25/2006 - Staples, Office Supplies Study, Final Report	SI 259053 – 259117							
102.	01/14/2011 - New Way Homepage Requirements Document	SI 248421 – 248459 Madge Dep. Ex. 7							
103.	06/15/2010 - New Way Collect User Feedback Project Requirements Document	SI 248253 – 248262 Madge Dep. Ex. 10							
104.	06/07/2011 - New Way Product Hierarchy & Navigation Project Requirements Document	SI 248488 – 248609 Madge Dep. Ex. 12							
105.	07/01/2010 - New Way Release 2: Macro Level Technical Design	SI 249081 – 249324 Madge Dep. Ex. 14							
106.	03/29/2011 - New Way Cart – Project Requirements Document (Add to Cart, Shopping Car, Mini Cart)	SI 248992 – 249029 Madge Dep. Ex. 15							
107.	03/05/2010 - New Way – Customer Support “What’s Coming” track Project Requirements Document	SI 248738 – 248755 Madge Dep. Ex. 18							
108.	03/05/2010 - New Way Release 1 Scene7 Product Images Technical Design	SI 249050 – 249076 Madge Dep. Ex. 24							
109.	06/11/2010 - New Way Project Requirements Document – Pages (Interim Page, Produce Gallery, Ink and Toner Finder and Product Details)	SI 017912 – 017988 Tobin Dep. Ex. 24							
110.	06/17/2010 - New Way Comparison Charts Project Requirements Document	SI 018123 – 018148 Tobin Dep. Ex. 25							
111.	08/12/2011 - Excerpt of JavaScript: The Definitive Guide	SI 267494 – 267565							
112.	ActionScript decompiled from bytecode within “genericzoom.swf”	SI 267608							

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113.	Screenshot of order.staplesadvantage.com Product Tour and Source Code	SI 267958 – 267959; SI 267610 – 267738							
114.	Screenshot of order.staplesadvantage.com Product Viewer and Source Code	SI 267960 – 267963; SI 267739 – 267819							
115.	Screenshot of staplesadvantagecatalogs.com and Source code	SI 267964; SI 267820 – 267902							
116.	Example of a tag synthesized by the “AC_FL_RunContent()” routine	SI 267203							
117.	Screenshots of Tyler Business’ Websites	Doyle Dep. Exs. 40, 41, 42, 43							
118.	12/20/2011 - Boston Software Forensics home page	Martin Dep. Ex. 22							
119.	12/20/2011 – St. Martin’s Church home page	Martin Dep. Ex. 23							
120.	12/22/2011 - Screen shot of Flickr Photos from St. Martin’s Church website and source code	SI 267903 – 267910							
121.	12/22/2011 - Screen shot of Google Maps from St. Martin’s Church website and source code	SI 267911 – 267957							
122.	07/11/2011 – Intellectual Property Rights Agreement between Eolas and Iomas	EOLASTX-292777 – 292785 Stetson Dep. Ex. 5							
123.	04/17/2000 - Eolas Technologies, Inc. Invention License Agreement	EOLASTX 221838- 221844 Stetson Dep. Ex. 14							
124.	06/10/2011 – Letter Agreement between Eolas Technologies Inc. and Dell, Inc.	EOLASTX 320161- 320163 Stetson Dep. Ex. 11							

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125.	07/12/2000 – Invention License Agreement between Eolas Technologies Inc., and Eolas Development Corp.	EOLASTX 221815-221821							
126.	08/01/1995 - Second Amended and Restated Agreement between the Regents of University of California and Eolas Technologies for embedded program objects in distributed hyper-media systems	EOLASTX 10352-10380 Doyle Dep. Ex. 56							
127.	03/20/1995 – Eolas Technologies Business Plan	EOLASTX 212173 – 212266 Doyle Dep. Ex. 33							
128.	10/03/1995 – Eolas Technologies Business Plan	EOLASTX 212495 – 212525 Doyle Dep. Ex. 34							

Date: January 13, 2012

/s/ Mark Matuschak

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**ATTORNEYS FOR DEFENDANT
STAPLES, INC.**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served, via electronic mail, upon all counsel of record on January 13, 2012.

/s/ Stanley Maderich