

6, 2012, Plaintiffs file their Omnibus Motion *in Limine* addressing ten disputed issues. [Dkt. No. 1186]. During the Court’s January 19, 2012 hearing, the Court determined that the case would be tried in four trials, beginning with a jury trial solely on “invalidity”. [Dkt. No. 1258 at 2]. In light of the Court’s decision, Plaintiffs seek leave to file two additional motion *in limine* issues to preclude the presentation of any argument, evidence, testimony, or reference to (i) Plaintiffs’ damages or infringement claims or (ii) Eolas’ business success or failure, as set forth in Plaintiffs’ Second Omnibus Motion *in Limine* Solely for the Validity Trial. While Defendants do not agree that such argument, evidence, testimony, or reference to the matters set forth in Plaintiffs’ Second Omnibus Motion *in Limine* Solely for the Validity Trial should be precluded, they do not oppose the relief Plaintiffs request in this Motion—that Plaintiffs be granted leave to file two additional motion *in limine* issues.

II. CONCLUSION

In light of the foregoing, Plaintiffs respectfully request the Court grant Plaintiffs’ Motion, granting them leave to file two additional motion *in limine* issues for the validity trial.

Dated: January 22, 2012.

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
Telephone: (903) 531-3535
Telecopier: (903) 533-9687

**ATTORNEYS FOR PLAINTIFFS
THE REGENTS OF THE UNIVERSITY
OF CALIFORNIA AND EOLAS
TECHNOLOGIES INCORPORATED**

CERTIFICATE OF CONFERENCE

I hereby certify that the parties met and conferred regarding the relief requested in this Motion on January 21, 2012. Defendants are unopposed to the relief requested in this Motion—that Plaintiffs be granted leave to file two additional motion *in limine* issues for the validity trial.

/s/ Gretchen K. Curran
Gretchen K. Curran

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document, attachment, and exhibits were filed electronically in compliance with Local Rule CV-5(a) and, thus, was served on all counsel of record on January 22, 2011.

/s/ Gretchen K. Curran
Gretchen K. Curran