

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

EOLAS TECHNOLOGIES INCORPORATED,	§	Civil Action No. 6:09-CV-446-LED
	§	
PLAINTIFF,	§	
	§	
v.	§	JURY TRIAL DEMANDED
	§	
ADOBE SYSTEMS INC., et al.,	§	
	§	
DEFENDANTS.	§	
	§	

**DEFENDANTS’ UNOPPOSED MOTION FOR LEAVE TO FILE SUPPLEMENTAL
MOTIONS IN LIMINE REGARDING THE INVALIDITY TRIAL**

The undersigned Defendants file this Unopposed Motion For Leave To File Supplemental Motions In Limine Regarding The Invalidity Trial and would show the Court as follows:

1. Defendants’ Motions in Limine (Dkt. No. 1189) were filed on January 6, 2012.
2. On Friday, January 20, 2012, the Court entered its Final Trial Plan (Dkt. No. 1264), ordering that a separate trial phase regarding validity and inequitable conduct be conducted before three scheduled trials regarding infringement and damages.
3. Plaintiffs and Defendants have met and conferred regarding additional motions in limine occasioned by the phased trial structure, which the parties respectfully request that the Court consider at the upcoming pretrial hearing on January 24, 2012.

4. The parties have agreed to file motions in limine regarding the invalidity and inequitable conduct trial by 6 pm CT on Sunday, January 22, 2012, and file oppositions to the other sides' motions by 4 pm CT on Monday, January 23, 2012.

5. Accordingly, Plaintiffs are unopposed to the relief sought in this motion.

Defendants' respectfully request that the Court grant their Unopposed Motion For Leave To File Supplemental Motions In Limine Regarding The Invalidity Trial.

Dated: January 6, 2012

Respectfully submitted,

By: /s/ Edward R. Reines
Jennifer H. Doan (TX Bar No. 08809050)
Joshua R. Thane (TX Bar No. 24060713)
HALTOM & DOAN
6500 Summerhill Road, Suite 100
Texarkana, TX 75503
Telephone: (903) 255-1000
Facsimile: (903) 255-0800
Email: jdoan@haltomdoan.com
Email: jthane@haltomdoan.com

Edward R. Reines
Jared B. Bobrow
Sonal N. Mehta
Aaron Y. Huang
Andrew L. Perito
WEIL, GOTSHAL & MANGES LLP
201 Redwood Shores Parkway
Redwood Shores, CA 94065
Telephone: (650) 802-3000
Facsimile: (650) 802-3100
Email: edward.reines@weil.com
Email: jared.bobrow@weil.com
Email: sonal.mehta@weil.com
Email: aaron.huang@weil.com
Email: andrew.perito@weil.com

Doug W. McClellan

WEIL, GOTSHAL & MANGES LLP
700 Louisiana, Suite 1600
Houston, TX 77002
Telephone: (713) 546-5000
Facsimile: (713) 224-9511
Email: doug.mcclellan@weil.com

Otis Carroll (TX Bar No. 3895700)
Deborah Race (TX Bar No. 11648700)
IRELAND, CARROLL & KELLEY, P.C.
6101 South Broadway, Suite 500
Tyler, Texas 75703
Telephone: (903) 561-1600
Facsimile: (903) 581-1071
Email: fedserv@icklaw.com

**ATTORNEYS FOR DEFENDANT
AMAZON.COM INC. AND
YAHOO! INC.**

By: /s/ Douglas E. Lumish (with permission)

Douglas E. Lumish

dlumish@kasowitz.com

Jeffrey G. Homrig

jhomrig@kasowitz.com

Jonathan K. Waldrop (pro hac vice)

jwaldrop@kasowitz.com

Joseph H. Lee (pro hac vice)

jlee@kasowitz.com

Parker C. Ankrum (pro hac vice)

pankrum@kasowitz.com

**KASOWITZ BENSON TORRES &
FRIEDMAN LLP**

333 Twin Dolphin Dr., Suite 200

Redwood Shores, CA 94065

Telephone: (650) 453-5170

Facsimile: (650) 453-5171

James R. Batchelder (pro hac vice)
james.batchelder@ropesgray.com
Sasha G. Rao (pro hac vice)
sasha.rao@ropesgray.com
Mark D. Rowland
mark.rowland@ropesgray.com
Brandon Stroy (pro hac vice)
brandon.stroy@ropesgray.com
Lauren Robinson (pro hac vice)
lauren.robinson@ropesgray.com
Rebecca R. Hermes (pro hac vice)
rebecca.wight@ropesgray.com
Han Xu (pro hac vice)
han.xu@ropesgray.com
ROPES & GRAY LLP
1900 University Avenue, 6th Floor
East Palo Alto, California 94303-2284
Telephone: (650) 617-4000
Facsimile: (650) 617-4090

Michael E. Jones (Bar No. 10929400)
mikejones@potterminton.com
Allen F. Gardner (Bar No. 24043679)
allengardner@potterminton.com
POTTER MINTON
A Professional Corporation
110 N. College, Suite 500
Tyler, TX 75702
Telephone: (903) 597-8311
Facsimile: (903) 593-0846

**ATTORNEYS FOR DEFENDANTS
GOOGLE, INC. AND YOUTUBE, LLC**

By: /s/ Proshanto Mukherji (with permission)

Thomas M. Melsheimer (txm@fr.com)

Texas Bar No. 13922550

Neil J. McNabney (njm@fr.com)

Texas Bar No. 24002583

FISH & RICHARDSON P.C.

1717 Main Street, Suite 5000

Dallas, TX 75201

(214) 747-5070 (Telephone)

(214) 747-2091 (Facsimile)

Proshanto Mukherji

E-mail: pvm@fr.com

FISH & RICHARDSON P.C.

One Marina Park Drive

Boston, MA 02110-1878

617-542-5070 (Telephone)

617-542-8906 (Facsimile)

**ATTORNEYS FOR DEFENDANT
THE GO DADDY GROUP, INC.**

By: /s/ Mark G. Matuschak (with permission)

Joe W. Redden, Jr.
Michael Ernest Richardson
BECK REDDEN & SECREST
1221 McKinney
Suite 4500
Houston, TX 77010
713.951.6284
jredden@brsfirm.com
mrichardson@brsfirm.com

Mark G. Matuschak
Donald R. Steinberg
WILMER CUTLER PICKERING HALE
AND DORR LLP
60 State Street
Boston, MA 02109
617.526.5000
mark.matuschak@wilmerhale.com
don.steinberg@wilmerhale.com

Kate Hutchins
WILMER CUTLER PICKERING HALE
AND DORR LLP
399 Park Avenue
New York, NY 10022
212.230.8800
kate.hutchins@wilmerhale.com

Daniel V. Williams
WILMER CUTLER PICKERING HALE
AND DORR LLP
1875 Pennsylvania Avenue, N.W.
Washington, D.C. 20006
202.663.6012
daniel.williams@wilmerhale.com

**ATTORNEYS FOR DEFENDANT
STAPLES, INC.**

By: /s/ Thomas L. Duston (with permission)

Thomas L. Duston
tduston@marshallip.com
Anthony S. Gabrielson
agabrielson@marshallip.com
Scott A. Sanderson
ssanderson@marshallip.com
MARSHALL, GERSTEIN & BORUN LLP
6300 Willis Tower
233 South Wacker Drive
Chicago, IL 60606-6357
(312) 474-6300

Brian Craft
bcraft@findlaycraft.com
Eric H. Findlay
efindlay@findlaycraft.com
FINDLAY CRAFT, LLP
6760 Old Jacksonville Highway, Suite 101
Tyler, TX 75703
(903) 534-1100

**ATTORNEYS FOR DEFENDANT
CDW LLC**

By: /s/ Christopher M. Joe (with permission)

Christopher M. Joe
chris.joe@bjciplaw.com
Eric W. Buether
eric.buether@bjciplaw.com
Niky Bukovcan
niky.bukovcan@bjciplaw.com
1700 Pacific, Suite 2390
Dallas, Texas 75201
Telephone: (214) 466-1272
Facsimile: (214) 635-1828

**ATTORNEYS FOR DEFENDANT
J.C. PENNEY CORPORATION, INC.**

By: /s/ M. Scott Fuller (with permission)

Edwin R. DeYoung

Texas Bar No. 05673000

Roy W. Hardin

Texas Bar No. 08968300

Roger Brian Cowie

Texas Bar No. 00783886

M. Scott Fuller

Texas Bar No. 24036607

Galyn Gafford

Texas Bar No. 24040938

LOCKE LORD LLP

2200 Ross Avenue, Suite 2200

Dallas, Texas 75201-6776

Telephone: (214) 740-8000

Facsimile: (214) 740-8800

E-mail: edeyoung@lockelord.com

**ATTORNEYS FOR DEFENDANT
CITIGROUP INC.**

By: /s/ David J. Healey (with permission)

David J. Healey

E-mail: Healey@fr.com

FISH & RICHARDSON P.C.

1 Houston Center

1221 McKinney Street, Suite 2800

Houston, TX 77010

713-654-5300 (Telephone)

713-652-0109 (Facsimile)

OF COUNSEL:

Frank E. Scherkenbach

E-mail: Scherkenbach@fr.com

FISH & RICHARDSON P.C.

225 Franklin Street

Boston, MA 02110-2804

617-542-5070 (Telephone)

617-542-8906 (Facsimile)

Joseph P. Reid

E-mail: Reid@fr.com

Jason W. Wolff

E-mail: Wolff@fr.com

FISH & RICHARDSON P.C.

12390 El Camino Real

San Diego, CA 92130

858-678-5070 (Telephone)

858-678-5099 (Facsimile)

**ATTORNEYS FOR DEFENDANT
ADOBE SYSTEMS INCORPORATED**

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). All other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by certified mail, return receipt requested, on this the 22nd day of January, 2012.

/s/Edward R. Reines

Edward R. Reines