UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TEXAS TYLER DIVISION

)	
Eolas Technologies Incorporated and	
The Regents Of The University Of California,	
)	
Plaintiffs and Counterdefendants,)	
)	Civil Action No. 6:09-CV-446-LED
vs.	
)	W.D.V. & D.D.V. V. D.D.
Adobe Systems Inc.; Amazon.com, Inc.; CDW Corp.;)	JURY TRIAL DEMANDED
Citigroup Inc.; The Go Daddy Group, Inc.; Google	
Inc.; J.C. Penney Corporation, Inc.; Staples, Inc.;	
Yahoo! Inc.; and YouTube, LLC,	
)	
Defendants and Counterclaimants.)	
)	
)	
)	
)	

DECLARATION OF ANDREW L. PERITO IN SUPPORT OF OPPOSITION TO PLAINTIFFS' EMERGENCY MOTION TO STRIKE DEFENDANTS' LATE-PRODUCED DOCUMENTS, VIDEO DEMONSTRATIVES, SOURCE CODE AND PREVIOUSLY UNIDENTIFIED PRIOR ART [DKT. 1317]

I, Andrew L. Perito, hereby declare:

1. I am an attorney with the law firm of Weil, Gotshal & Manges LLP, counsel of

record for Amazon.com, Inc. and Yahoo!, Inc. in the above-captioned matter. I submit this

declaration based on personal knowledge following a reasonable investigation. If called upon

as a witness, I could competently testify to the truth of each statement herein.

2. Attached hereto as **Exhibit A** is a true and correct copy of a letter from Josh

Budwin to all counsel of record for Defendants, dated January 23, 2012.

3. Attached hereto as **Exhibit B** is a true and correct copy of an email from Andrew

Perito to Josh Budwin, dated February 3, 2012, sent at 3:05pm CT.

4. Attached hereto as **Exhibit C** is a true and correct copy of an email from Andrew

Perito to Josh Budwin, dated February 3, 2012, sent at 4:10pm CT.

5. Attached hereto as **Exhibit D** is a true and correct copy of an email from Josh

Budwin to Andrew Perito, dated February 4, 2012, sent at 3:42pm CT.

I declare under penalty of perjury under the laws of the United States of America that the

foregoing is true and correct.

Executed: February 6, 2012

__/s/Andrew L. Perito_

Andrew L. Perito

Attorney for Defendants Yahoo! Inc. and

Amazon.com, Inc.

1