

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

**EOLAS TECHNOLOGIES §
INCORPORATED and THE REGENTS §
OF THE UNIVERSITY OF CALIFORNIA §**

Plaintiffs,

vs.

**ADOBE SYSTEMS INC., AMAZON.COM §
INC., CDW CORPORATION, CITIGROUP §
INC., THE GO DADDY GROUP, INC., §
GOOGLE INC., J.C. PENNEY §
CORPORATION, INC., STAPLES, INC., §
YAHOO! INC., and YOUTUBE, LLC., §**

Defendants.

CASE NO. 6:09-CV-00446-LED

JURY TRIAL

**JOINT MOTION TO CORRECT
JUDGMENT PURSUANT TO RULES 59(e) AND 60(a)**

Plaintiffs Eolas Technologies Incorporated (“Eolas”) and The Regents of the University of California (“UC”) (collectively “Plaintiffs”) and Defendants Amazon.com Inc., Google Inc., J.C. Penney Corporation, Inc., Yahoo! Inc., and YouTube, LLC (collectively “Defendants”) respectfully file this Joint Motion to Correct Judgment Pursuant to Rules 59(e) and 60(a).¹

I. ARGUMENT

On February 13, 2012, the Court entered judgment. In this Motion, the parties submit two grounds for amending that judgment. First, the Court’s judgment does not dispose of Defendants’ counterclaims, with the exception of their counterclaims for invalidity. Second, prior to the jury’s verdict, Plaintiffs entered into settlements with Adobe Systems, Inc., CDW Corporation, and Staples, Inc. *See* Dkt. Nos. 1361, 1365, and 1359, respectively. In light of the foregoing, the parties respectfully move the Court to amend its judgment by dismissing each of Defendants’ counterclaims and revising the list of named parties to account for the pre-verdict settlements.

II. CONCLUSION

Based on the foregoing, the parties respectfully request that the Court correct its “final” judgment entered in this case, replacing it with a judgment naming only Defendants Amazon.com Inc.; Google Inc.; J.C. Penney Corporation, Inc.; Yahoo! Inc.; and YouTube, LLC and stating that Plaintiffs’ claims for infringement are dismissed with prejudice based on Defendants’ invalidity affirmative defense and Defendants’ counterclaims other than for invalidity are hereby dismissed without prejudice as moot.

¹ Plaintiffs have filed a Motion for Judgment as a Matter of Law Under Rule 50(b) that the Patents-in-Suit Are Not Invalid, or in the Alternative for a New Trial Under Rule 59. This Motion to Correct Judgment in no way modifies or pertains to that Motion or the relief sought in that Motion.

Dated: May 3, 2012

Respectfully Submitted,

MCKOOL SMITH, P.C.

By: /s/ Mike McKool

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CERTIFICATE OF SERVICE

Pursuant to Local Rule CV-5(a)(7), the undersigned certifies that the foregoing document was filed electronically on May 3, 2012. As such, counsel for Plaintiffs has served this Motion in electronic form on all counsel who have consented to electronic service.

/s/ Gretchen Curran
Gretchen Curran

CERTIFICATE OF CONFERENCE

I certify that counsel for Plaintiffs met and conferred with counsel for Defendants regarding the relief requested in this Motion. The parties jointly file this Motion.

/s/ Gretchen Curran
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