

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

Eolas Technologies Incorporated,	§	
	§	
Plaintiff,	§	Civil Action No. 6:09-CV-00446-LED
	§	
vs.	§	
	§	
Adobe Systems Inc., Amazon.com, Inc.,	§	JURY TRIAL
Apple Inc., Blockbuster Inc., CDW Corp.,	§	
Citigroup Inc., eBay Inc., Frito-Lay, Inc.,	§	
The Go Daddy Group, Inc., Google Inc.,	§	
J.C. Penney Company, Inc., JPMorgan	§	
Chase & Co., New Frontier Media, Inc.,	§	
Office Depot, Inc., Perot Systems Corp.,	§	
Playboy Enterprises International, Inc.,	§	
Rent-A-Center, Inc., Staples, Inc., Sun	§	
Microsystems Inc., Texas Instruments Inc.,	§	
Yahoo! Inc., and YouTube, LLC	§	
	§	
Defendants.	§	

**EOLAS' UNOPPOSED MOTION FOR EXTENSION OF TIME TO RESPOND TO
MOVING DEFENDANTS' MOTION TO TRANSFER TO THE U.S. DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA PURSUANT TO 28 U.S.C. §
1404(a)**

Plaintiff Eolas Technologies Incorporated (“Eolas”) files this unopposed motion for extension of time for Eolas to respond to Moving Defendants’ Motion to Transfer to the U.S. District Court for the Northern District of California Pursuant to 28 U.S.C. § 1404(a) (hereinafter “Moving Defendants’ Motion”). Defendants Adobe Systems, Inc., Amazon.com, Inc., Apple, Inc., Blockbuster, Inc., Ebay, Inc., The Go Daddy Group, Inc., Google, Inc., New Frontier Media, Inc., Playboy Enterprises International, Inc., Sun Microsystems, Inc., Yahoo!, Inc., YouTube, LLC, CDW Corporation and JPMorgan Chase & Co., Inc.¹ are collectively referred to

¹ CDW Corporation joined the Motion to Transfer (*see* dkt. 215) as did JPMorgan Chase & Co. (*see* dkt. 216).

as “Moving Defendants.” Citigroup Inc., Frito-Lay, Inc., J.C. Penney Company, Inc., Office Depot, Inc., Perot Systems Corp., Rent-A-Center, Inc., Staples, Inc., and Texas Instruments Inc. are collectively referred to as “Non-Moving Defendants.”

I.

On February 10, 2010 Moving Defendants filed their Motion (Dkt. 214). On February 11, 2010 CDW Corporation joined the Moving Defendants’ Motion (*see* Dkt. 215) as did JPMorgan Chase & Co. (*see* Dkt. 216).

Per the Court’s Order on February 17, 2010 (Dkt. 219) the current deadline for Eolas to respond to the Moving Defendants’ Motion is March 11, 2010. Eolas respectfully requests leave to extend this deadline by one week, from March 11, 2010 until March 18, 2010. Neither Moving Defendants nor Non-Moving Defendants oppose this extension.

II.

This motion is not made for delay, and should not impact any other deadline applicable to this litigation.

III.

Accordingly, Eolas respectfully requests that the Court grant the present motion and extend the deadline for Eolas to respond to Moving Defendants’ Motion by one week, from March 11, 2010 until March 18, 2010.

Dated: March 11, 2010.

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
Luke McLeroy
Texas State Bar No. 24041455
lmcleroy@mckoolsmith.com

McKool Smith, P.C.

300 Crescent Court, Suite 1500
Dallas, Texas 75201
Telephone: (214) 978-4000
Telecopier: (214) 978-4044

Sam F. Baxter
Texas State Bar No. 01938000
sbaxter@mckoolsmith.com

McKool Smith, P.C.

104 E. Houston St., Ste. 300
P.O. Box O
Marshall, Texas 75670
Telephone: (903) 923-9000
Telecopier: (903) 923-9095

Kevin L. Burgess
Texas State Bar No. 24006927
kburgess@mckoolsmith.com

Steven J. Pollinger
Texas State Bar No. 24011919
spollinger@mckoolsmith.com

Josh W. Budwin
Texas State Bar No. 24050347
jbudwin@mckoolsmith.com

McKool Smith, P.C.

300 West Sixth Street, Suite 1700
Austin, Texas 78701
Telephone: (512) 692-8700
Telecopier: (512) 692-8744

**ATTORNEYS FOR PLAINTIFF
EOLAS TECHNOLOGIES, INC.**

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who have consented to electronic service. Local Rule CV-5(a)(3)(A) on March 11, 2010.

/s/ Josh Budwin
Josh Budwin

CERTIFICATE OF CONFERENCE

I certify that I have discussed the substance of this motion with counsel for both Moving Defendants and Non-Moving Defendants. Specifically, on March 10, 2010 I discussed the substance of the motion with the following counsel: Joseph Reid, representing Adobe Systems Inc.; Joseph Lee, representing Amazon.com, eBay Inc., and Yahoo! Inc.; Teague Donahey representing Apple, Inc; Gentry McLean representing Blockbuster, Inc and Playboy Enterprises International; Brian Craft and Anthony Gabrielson representing CDW Corp.; Galyn Gafford and Michael Scott Fuller representing Citigroup Inc.; Christopher Joe and Jeffrey Yee representing Frito-Lay, Inc., J.C. Penney Inc., and Rent-A-Center, Inc.; James Nicholas Bunch representing The Go Daddy Group, Inc.; Mark Francis representing Google Inc and YouTube, LLC; David Crompton representing JPMorgan Chase & Co.; Michael Simons representing New Frontier Media, Inc.; Suzanne Wallman representing Office Depot; Douglas Kubehl representing Perot Systems Corp; Kathryn Riley representing Sun Microsystems, Inc.; and Carl Roth representing Texas Instruments. Neither Moving Defendants nor Non-Moving Defendants oppose the relief requested herein.

/s/ Josh Budwin
Josh Budwin