

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

EOLAS TECHNOLOGIES INCORPORATED,

Plaintiff,

v.

ADOBE SYSTEMS INC., et al.,

Defendants.

Civil Action No. 6:09-CV-446 (LED)

Jury Trial Demanded

**GO DADDY'S  
NOTICE OF SUBPOENA DUCES TECUM**

PLEASE TAKE NOTICE, pursuant to Fed. R. Civ. P. 45(b)(1), that Defendant The Go Daddy Group, Inc. intends to serve the subpoena duces tecum attached hereto as Exhibit 1 upon The Patent Law Offices of Michael E. Woods ("Woods"). Woods is instructed to produce and permit inspection and copying of the Materials set forth in Exhibit 1 on June 4, 2010 at 9:00 A.M. PST at the offices of Fish & Richardson P.C., 500 Arguello Street, Suite 500, Redwood City, CA 94063 or at another location mutually agreeable to the parties.

Dated: May 17, 2010

Respectfully submitted,

By: /s/ Neil J. McNabny

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Counsel for Defendant and Counterclaim Plaintiff  
THE GO DADDY GROUP, INC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on May 17, 2010 to Plaintiff's counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ J. Rodrigo Fuentes  
J. Rodrigo Fuentes

# EXHIBIT 1

UNITED STATES DISTRICT COURT

for the

Northern District of California

Eolas Technologies Incorporated

Plaintiff

v.

Adobe Systems, Inc., et al.

Defendant

Civil Action No. 6:09-cv-0446 (LED)

(If the action is pending in another district, state where: Eastern District of Texas)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: The Patent Law Offices of Michael E. Woods
16 Hazel Court, San Rafael, CA 94901.

Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

Please refer to Schedule A, attached hereto. In particular, see Instruction No. 10 regarding the production of electronically stored information pursuant to Fed. R. Civ. P. 45(d)(1)(B).

Place: 500 Arguello Street, Suite 500, Redwood City, CA 94063
Date and Time: 06/04/2010 9:00 A.M. PST

Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:
Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: May 17, 2010

CLERK OF COURT

Signature of Clerk or Deputy Clerk

OR

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) The Go Daddy Group, Inc., who issues or requests this subpoena, are:

Nick Bunch of Fish & Richardson P.C.
1717 Main Street -- Suite 5000
Dallas, TX 75201

Phone: 214-292-4048
E-mail: Bunch@fr.com

Civil Action No. 6:09-cv-0446 (LED)

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

This subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_  
\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

## Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)

### (c) Protecting a Person Subject to a Subpoena.

**(1) *Avoiding Undue Burden or Expense; Sanctions.*** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney’s fees — on a party or attorney who fails to comply.

#### **(2) *Command to Produce Materials or Permit Inspection.***

**(A) *Appearance Not Required.*** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

**(B) *Objections.*** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

**(i)** At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

**(ii)** These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party’s officer from significant expense resulting from compliance.

#### **(3) *Quashing or Modifying a Subpoena.***

**(A) *When Required.*** On timely motion, the issuing court must quash or modify a subpoena that:

**(i)** fails to allow a reasonable time to comply;

**(ii)** requires a person who is neither a party nor a party’s officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

**(iii)** requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

**(iv)** subjects a person to undue burden.

**(B) *When Permitted.*** To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

**(i)** disclosing a trade secret or other confidential research, development, or commercial information;

**(ii)** disclosing an unretained expert’s opinion or information that does not describe specific occurrences in dispute and results from the expert’s study that was not requested by a party; or

**(iii)** a person who is neither a party nor a party’s officer to incur substantial expense to travel more than 100 miles to attend trial.

**(C) *Specifying Conditions as an Alternative.*** In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

**(i)** shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

**(ii)** ensures that the subpoenaed person will be reasonably compensated.

### (d) Duties in Responding to a Subpoena.

**(1) *Producing Documents or Electronically Stored Information.*** These procedures apply to producing documents or electronically stored information:

**(A) *Documents.*** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

**(B) *Form for Producing Electronically Stored Information Not Specified.*** If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

**(C) *Electronically Stored Information Produced in Only One Form.*** The person responding need not produce the same electronically stored information in more than one form.

**(D) *Inaccessible Electronically Stored Information.*** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

#### **(2) *Claiming Privilege or Protection.***

**(A) *Information Withheld.*** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

**(i)** expressly make the claim; and

**(ii)** describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

**(B) *Information Produced.*** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(e) *Contempt.*** The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty’s failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

## SCHEDULE A

### DEFINITIONS

1. “The ‘906 Patent” means United States Patent No. 5,838,906, entitled “Distributed Hypermedia Method for Automatically Invoking External Application Providing Interaction and Display of Embedded Objects Within a Hypermedia Document.”
  2. “The ‘985 Patent” means United States Patent No. 7,599,985, entitled “Distributed Hypermedia Method and System for Automatically Invoking External Application Providing Interaction and Display of Embedded Objects Within a Hypermedia Document.”
  3. “And” shall be treated as a synonym for “or” and vice versa. “Any” and “each” shall be understood to include one another and “all” whenever necessary to expand the scope of the request. The words “all,” “every,” “any,” and “each” shall include each other whenever possible to expand the scope of the request.
  4. “Attorney” includes attorneys (both in-house and outside counsel), paralegals, and their secretaries and other support staff whenever necessary to expand the scope of the request.
  5. “Communication,” “communicated,” or “communications” means any contact or act by which information or knowledge is transmitted or conveyed between two or more Persons and includes, without limitation: (1) written contact, whether by letter, memoranda, e-mail, telegram, telex, or other Document; (2) oral contact, whether by face-to-face meetings, telephone conversations or otherwise; and, (3) nonverbal acts intended to communicate or convey any meaning, understanding or other message.
  6. “Document” and “Documents” are used herein in their broadest sense as set forth in the Federal Rules of Civil Procedure. These words mean and include all written, printed, typed, recorded, or graphic matter of every kind and description, both originals and copies, and
- Schedule A to the Subpoena to The Patent Law Offices of Michael E. Woods



all attachments and appendices, within your possession, custody or control. Without limiting the foregoing, the terms “Document” and “Documents” shall include all agreements, contracts, communications, correspondence, letters, opinion letters, telegrams, telexes, telefaxes, messages, memoranda, records, reports, books, summaries or other records of telephone conversations or interviews, summaries or other records of personal conversations or interviews, minutes, summaries, other records of meetings and conferences, statements obtained from witnesses, summaries or other records of negotiations, other summaries, diaries, diary entries, calendars, appointment books, time records, instructions, work assignments, forecasts, progress reports, statistical data, statistical statements, financial statements, work sheets, work papers, drafts, graphs, charts, tables, accounts, analytical records, consultants’ and experts’ reports, appraisals, bulletins, notes, notices, marginal notations, notebooks, telephone records, bills, statements, records of obligation and expenditure, invoices, lists, journals, printouts, compilations, tabulations, analyses, studies, surveys, expense reports, microfilm, microfiche, tape or disc recordings, sound recordings, video recordings, film, tape, photographs, programs, electronic mail (“e-mail”) and data compilations from which information can be obtained (including matter used in data processing), and other printed, written, handwritten, typewritten, recorded, stenographic, computer-generated, computer-stored, or electronically stored matter, however and by whomever produced, prepared, reproduced, disseminated, or made. The words “Document” and “Documents” also include all copies of documents by whatever means made, except that where a document is produced, identical copies of it that do not contain any markings, additions, or deletions that are different from the original do not have to be separately produced.

7. “Electronically stored information” is defined broadly to give the full scope of that term as contemplated by Rule 34 of the Federal Rules of Civil Procedure, and refers to all

computer or electronically stored or generated data and information, and shall include all attachments to and enclosures with any requested item, and all drafts thereof. Electronically stored information includes information stored in any format and on any storage media, including: hard disks; floppy disks; optical disks; flash memory devices; and magnetic tape, whether fixed, portable, or removable. Electronically stored information includes: word-processing documents; electronic spreadsheets; electronic presentation documents; e-mail messages; image files; sound files; and material or information stored in a database, or accessible from a database. Electronically stored information also includes all associated metadata that is maintained or saved, which includes: document title or name; file name; date and time of creation; date and time of last edit; identity of author; identity of owner; identities of editors; identities of recipients; changes; history of changes; e-mail header information; history of who viewed an e-mail and when; and e-mail routing information. Electronically stored information further includes: correspondence, telegrams, memoranda, communications, minutes or records of meetings and conferences, lists of persons attending meetings or conferences, summaries, records of conversations, drafts, notes, notebooks, logs, invention records and disclosures, translations, drawings, graphs, charts, photographs, sound recordings, images, data compilations, computer records or printouts, specifications, reports, opinions, summaries, agreements, forecasts, plan drawings, mask works, engineering drawings, expressions or statements of policy, consultations, brochures, pamphlets, advertisements, publications, circulars, trade letters, press releases, and drafts of any of the foregoing. Unless the parties agree otherwise, all electronically stored information shall be produced in the form in which it is kept in the usual course of business. If electronically stored information is produced in the form in which it is kept in the usual course of business but it is not reasonably useable in that form, then all software,

instructions, or tools necessary to make the information reasonably useable must also be provided or identified. To the extent that identical information is available as both a document and as electronically stored information or in multiple forms of electronically stored information, Woods need only produce the electronically stored information in one reasonably useable form. Go Daddy's counsel invites Woods' counsel to call to discuss compliance with the foregoing instructions concerning electronically stored information.

8. "Eolas" means Eolas Technologies Incorporated, and its past and present officers, directors, affiliates, brokers, agents, representatives, employees, servants, and all persons acting directly or indirectly under its control, including any attorney.

9. "Go Daddy" means The Go Daddy Group, Inc., and its past and present officers, directors, affiliates, brokers, agents, representatives, employees, servants, and all persons acting directly or indirectly under its control, including any attorney.

10. "Identify" when used in reference to:

(a) a natural person, means: (1) the person's full name or title, last known address, and telephone number; (2) the person's present employer(s) and place(s) of employment; and (3) the person's job title or position held;

(b) a document, means: (1) its date, author, and addressee(s); (2) the type of document (e.g., letter, memorandum, etc.); and (3) its present location and identity of its custodian; or

(c) a statement, either written or spoken, means: (1) the substance of each such statement; (2) the exact words used by each person participating in the statement; (3) to identify each person engaging in the statement; (4) the identity of each person present at the making or reception of such statement; (5) the time and place of the

statement; (6) the means of such statement (e.g., written, telephone, face-to-face, etc.).

In addition to the foregoing, “Identify” should also be understood to include the following when used in reference to:

(d) an organization or entity: state the organization or entity’s full name and present or last known address, and to fully describe the business or activity in which the organization or entity is engaged;

(e) a thing: state the product number, model number, serial number, type number, or other designation customarily used by Woods or others in the trade to designate such thing and to distinguish it from others made by the same or a different producer; or

(f) a patent or patent application: state the country where it was filed or granted, the patent or application serial number, the filing date, the dates of publication and grant, the identity of all inventors, the title, the identity of all related patent applications, and the identity of any assignee.

11. “Including” and “such as” means including but not limited to.

12. “Infringe,” “infringement,” and “infringer” refer to direct infringement, contributory infringement, or active inducement of infringement, any of which can be either literal or under the doctrine of equivalents.

13. “Litigation between Eolas and Microsoft” refers to the matter captioned as *Eolas Tech., Inc. v. Microsoft Corp.*, Civ. No. 99-CV-0626 (N.D. Ill.), and any appeals therefrom.

14. “Materials” means any document, electronically stored information, or thing as those terms are defined herein.

15. “Patents-in-Suit” means any patent at issue in the above-captioned case,

including, but not limited to, U.S. Patent No. 5,838,906; the patent application that matured into U.S. Patent No. 5,838,906; any reexaminations of U.S. Patent No. 5,838,906; any patent or patent application claiming priority to U.S. Patent No. 5,838,906; U.S. Patent No. 7,599,985; the patent application that matured into U.S. Patent No. 7,599,985; any reexaminations of U.S. Patent No. 7,599,985; and any patent or patent application claiming priority to U.S. Patent No. 7,599,985.

16. “Patent application” shall mean any provisional, original, reissue, divisional, inventor certificate, utility model, continuation or continuation-in-part application for patent, domestic and foreign, whether pending or issued, as well as any abandoned or suspended application and any reexamination request.

17. “Person” or “persons” refers to all natural persons, male or female, and all types and kinds of business or other entities, including, but not limited to, corporations, partnerships, joint ventures, associations and sole proprietorships and any reference to an individual person, either singularly or as part of a defined group, includes that person’s employees, agents, legal representatives, non-legal representatives, personal representatives, attorneys, heirs, successors, and assigns, and includes any other person or entity acting on or for the behalf of such individual person.

18. “Prior Art” means all documents, activities, and products that constitute, describe, suggest, disclose, anticipate, render obvious, refer to, or relate to the subject matter described or claimed in the Patents-in-Suit before the filing date(s) thereof, and includes those categories of information set forth in 35 U.S.C. §§ 102 and 103.

19. “Relate,” “relating,” “refer,” “referring,” “concerning,” and “concern” means, in addition to its customary and usual meaning, discussing, referring to, pertaining to or concerning.

20. “Thing” shall have the broadest meaning prescribed in Rule 34 of the Federal Rules of Civil Procedure, and refers to any tangible object, other than documents or electronically stored information, and includes physical objects of every kind and manner including: prototypes, models, and specimens.

21. “Third party” shall mean any natural person, corporation, partnership, association, joint venture, government body, or other legal entity other than Woods and Go Daddy.

22. “Woods” or “you” means Michael E. Woods and The Patent Law Offices of Michael E. Woods, and their affiliates, brokers, agents, representatives, employees, and all persons acting directly or indirectly under its control, including any attorney.

### **INSTRUCTIONS**

1. If Woods claims that a Request for Production is over-broad, please respond to that portion of the Request for Production to which Woods does not object and specifically state why Woods claims the Request for Production is over-broad.

2. If Woods claims that responding to a Request for Production is unduly burdensome, please respond to that portion of the Request for Production to which Woods does not object and specifically state why Woods claims the Request for Production is unduly burdensome.

3. If any Document referred to in Woods’ responses to this subpoena was, but is no longer, in Woods’ possession, custody, or control, state what disposition was made of it and when. If any Document referred to in response to this subpoena has been lost or destroyed, describe in detail the circumstances of such loss or destruction and identify each lost or destroyed Document and all Materials that contained such Document.

4. If any information is withheld on the basis of a claim of privilege or work product, then the answer shall generally identify the information withheld by subject matter, author, addressees, and carbon copy recipient(s); state the basis for withholding the information; and identify the person(s) knowledgeable about the subject matter of the withheld information.

This instruction should be understood to encompass the following. If you identify a document that you claim to be privileged or work product, then please further identify that document by:

- (a) the type of document (letter, memorandum, report, miscellaneous note, pamphlet, etc.);
- (b) the general subject matter to which the document relates;
- (c) the date the document was prepared, reproduced, or transcribed;
- (d) the names, business addresses, and titles or job descriptions of the original author(s) and any person(s) who edited, corrected, revised, or amended the document;
- (e) the names, business addresses, and titles or job descriptions of each person shown on the document or persons otherwise known to you as being an intended or actual recipient of the document or a copy of the document;
- (f) all indicia that would serve to distinctly identify the document from others of a similar class or group; and
- (g) any and all disclosures of the document to third parties.

5. The past tense of a verb used herein includes the present tense and the present tense includes the past tense.

6. The plural of any word used herein includes the singular and the singular includes the plural. The masculine gender of any word used herein includes the feminine and the neuter.

7. For purposes of this subpoena, terms not specifically defined shall be given their ordinary meaning as Woods understands them to be used in the trade and in each such case Woods shall state its definition of such term.

8. If Woods objects to any portion of a Request for Production, please respond to any portion of the Request for Production to which Woods does not object.

9. If Woods objects to or disagrees with any of the definitions set forth in this subpoena, or if Woods does not understand any term used in this subpoena, please explain in detail the nature of Woods' disagreement with the definition, or lack of understanding of the term, provide an alternative definition of the term, and respond in accordance with that alternative definition.

10. Pursuant to Fed. R. Civ. P. 45(d)(1)(B), Woods shall produce electronically stored information natively in a Concordance database which includes the data, the extracted text, and a live link to the native files.

11. This subpoena is continuing in nature. Woods must correct or supplement its responses if it learns that any response was incomplete or incorrect when made or, although complete and correct when made, is no longer complete and correct.



## **REQUESTS FOR PRODUCTION**

### **REQUEST FOR PRODUCTION 1:**

All Materials evidencing, constituting, or concerning Woods' policy or procedure (in effect any time between the date immediately prior to the earliest date of conception of any subject matter of any claim of the Patents-in-Suit and the present) for retaining or destroying any Materials.

### **REQUEST FOR PRODUCTION 2:**

All Materials that constitute, describe, suggest, disclose, refer or relate to the reexamination of the Patents-in-Suit.

### **REQUEST FOR PRODUCTION 3:**

All Materials that constitute, describe, suggest, disclose, refer or relate to the Litigation between Eolas and Microsoft.

### **REQUEST FOR PRODUCTION 4:**

All Materials identifying or otherwise referring or relating to the research, engineering, development, assembly, testing, manufacturing, marketing, distribution, sale, or licensing of the Patents-in-Suit.

### **REQUEST FOR PRODUCTION 5:**

All Materials evidencing, constituting, or concerning the Patents-in-Suit, including any patent applications prepared by Woods.

### **REQUEST FOR PRODUCTION 6:**

All Materials evidencing, constituting, or concerning any communications, written or oral, between Woods and any other party referring or relating to the Patents-in-Suit.

**REQUEST FOR PRODUCTION 7:**

All Materials evidencing, constituting, or concerning any communications written or oral, between Woods and any other party relating to the invalidity or unenforceability of the Patents-in-Suit.

**REQUEST FOR PRODUCTION 8:**

All Materials supporting, contradicting, evidencing, or concerning any claim that Woods committed inequitable conduct before the USPTO.

**REQUEST FOR PRODUCTION 9:**

All Materials supporting, contradicting, evidencing, or concerning any claim that Woods violated the duty of candor provided under 37 CFR 1.56.

**REQUEST FOR PRODUCTION 10:**

All Materials evidencing, constituting, or concerning the decision to file, preparation of, filing, or prosecution of any application for the Patents-in-Suit or any other patent application in which Eolas has an equitable right or ownership interest that name Michael Doyle, David Martin, and/or Cheong Ang as an inventor.

**REQUEST FOR PRODUCTION 11:**

All Materials that constitute, describe, evidence, report or otherwise refer or relate to any communication, written or oral, between Michael Doyle, David Martin, Cheong Ang, and/or any Eolas employee or agent, on the one hand, and Charles E. Krueger and/or Townsend and Townsend and Crew LLP's employees or agents on the other hand.

**REQUEST FOR PRODUCTION 12:**

All Materials that constitute, describe, evidence, report or otherwise refer or relate to any communication, written or oral, between Michael Doyle, David Martin, Cheong Ang, and/or any

Eolas employee or agent, on the one hand, and Charles E. Krueger and/or The Law Office of Charles E. Krueger, and its employees or agents on the other hand.

**REQUEST FOR PRODUCTION 13:**

All Materials that constitute, describe, evidence, report or otherwise refer or relate to any communication, written or oral, between Michael Doyle, David Martin, Cheong Ang, and/or any Eolas employee or agent, on the one hand, and Woods, and its employees or agents, on the other hand, including communications pertaining to the filing, prosecution and enforcement of the Patents-in-Suit.

**REQUEST FOR PRODUCTION 14:**

All Materials evidencing, constituting, or concerning any drawing, diagram, chart, sketch, blueprint, source code, object code, computer application, or any drafts of any of the above, regardless of when created, of any subject matter disclosed or claimed in any application for the Patents-in-Suit.

**REQUEST FOR PRODUCTION 15:**

All Materials which constitute, embody, describe, disclose or otherwise refer or relate to any draft of the patent application or specification for the Patents-in-Suit or any application through which the any of Patents-in-Suit claims the benefit of an earlier filing date.

**REQUEST FOR PRODUCTION 16:**

All Materials evidencing, constituting, or concerning any draft, regardless of when created, of any claim of any application for the Patents-in-Suit or any application through which the Patents-in-Suit claims the benefit of an earlier filing date.

**REQUEST FOR PRODUCTION 17:**

Separately for each application for the Patents-in-Suit, all Materials evidencing,

constituting, or concerning the best mode (as that term is used in 35 U.S.C. § 112) known to the named inventors of the Patents-in-Suit for practicing any subject matter disclosed or claimed in the Patents-in-Suit at the time each such application for the Patents-in-Suit was filed.

**REQUEST FOR PRODUCTION 18:**

Separately for each application for the Patents-in-Suit, all Materials evidencing, constituting, or concerning all modes known to the named inventors of the Patents-in-Suit for practicing the subject matter disclosed or claimed in the Patents-in-Suit at the time each such application for the Patents-in-Suit was filed.

**REQUEST FOR PRODUCTION 19:**

All Materials evidencing, constituting, or concerning any publication authored, reviewed, contributed to or edited by the named inventors of the Patents-in-Suit relating in whole or in part to embedded program objects.

**REQUEST FOR PRODUCTION 20:**

All Materials that constitute, evidence, describe, disclose or otherwise refer or relate to any patent, printed publication, public use or sale in this country, knowledge, use, and/or making in this country of any embedded program object product, method, system, or technology or any feature thereof prior to October 17, 1994.

**REQUEST FOR PRODUCTION 21:**

For each claim in the Patents-in-Suit, all Materials relating to embedded program objects in the possession of any of the named inventors of the Patents-in-Suit prior to the earliest conception date of each such claim.

**REQUEST FOR PRODUCTION 22:**

All Materials evidencing, constituting, or concerning any reference identified during any

search or study of domestic or foreign patents, literature or other published materials, including without limitation any search or study or to determine the validity, scope or enforceability of the subject matter of any claim of the Patents-in-Suit or of any patent or patent application in which Eolas has an equitable or ownership interest that names Michael Doyle, David Martin, and/or Cheong Ang as an inventor.

**REQUEST FOR PRODUCTION 23:**

All Materials evidencing, constituting or concerning any opinion as to the validity, scope or enforceability of the subject matter of any claim of any patent or patent application in which Woods has an equitable or ownership interest that names Michael Doyle, David Martin, and/or Cheong Ang as an inventor, including the Patents-in-Suit.

**REQUEST FOR PRODUCTION 24:**

All Materials evidencing, constituting, or concerning any secondary considerations or other objective indicia of non-obviousness of the subject matter of any claim of the Patents-in-Suit.

**REQUEST FOR PRODUCTION 25:**

All Materials that establish the level of ordinary skill in the art of the subject matter of any claim of the Patents-in-Suit.

**REQUEST FOR PRODUCTION 26:**

All Materials evidencing, constituting, or concerning the ownership of the Patents-in-Suit, including without limitation any assignment or transfer of ownership of, or any legal or equitable or right in the Patents-in-Suit either in whole or in part, and further including any transfer of any legal or equitable right in the Patents-in-Suit, directly or indirectly, between Michael Doyle, David Martin, Cheong Ang, The Regents of the University of California, and/or

Eolas.

**REQUEST FOR PRODUCTION 27:**

All Materials evidencing, constituting or concerning any transfer of any legal or equitable right in any patent, patent application or other intellectual property between Michael Doyle, David Martin, Cheong Ang, The Regents of the University of California, and/or Eolas.

**REQUEST FOR PRODUCTION 28:**

All Materials evidencing, constituting, or concerning any agreement, license, or covenant not to sue regarding the Patents-in-Suit.

**REQUEST FOR PRODUCTION 29:**

All Materials evidencing, constituting, or concerning any contract, settlement, or other agreement or any discussion, proposal, negotiation, or acceptance of any agreement relating to the Patents-in-Suit.

**REQUEST FOR PRODUCTION 30:**

All Materials evidencing, constituting, or concerning any valuation of the Patents-in-Suit, including all Materials relating to the determination of a royalty rate for purposes of licensing or tax accounting.

**REQUEST FOR PRODUCTION 31:**

Each invention assignment agreement submitted by or on behalf of the named inventors of the Patents-in-Suit from immediately prior to the earliest date of conception of any subject matter claimed in the Patents-in-Suit to the present.

**REQUEST FOR PRODUCTION 32:**

All Materials referring or related to any recession of any assignment of one or more of the Patents-in-Suit.

**REQUEST FOR PRODUCTION 33:**

All Materials that establish, describe, support, evidence, tend to corroborate, or otherwise refer or relate to the conception of any subject matter of any claim of the Patents-in-Suit.

**REQUEST FOR PRODUCTION 34:**

All Materials that establish, describe, support, evidence, tend to corroborate, or otherwise refer or relate to the reduction to practice (both actual and constructive) of any subject matter of any claim of the Patents-in-Suit.

**REQUEST FOR PRODUCTION 35:**

All Materials evidencing, constituting, or concerning any paper or article (published or unpublished) authored in whole or in part by Michael Doyle, David Martin, and/or Cheong Ang, including those papers, articles or assignments written in satisfaction of any academic or certification requirement (*e.g.*, while Michael Doyle, David Martin, and/or Cheong Ang were in undergraduate or graduate school).

**REQUEST FOR PRODUCTION 36:**

All declarations or affidavits signed by Michael Doyle, David Martin, and/or Cheong Ang, including any drafts thereof.

**REQUEST FOR PRODUCTION 37:**

All Materials that describe or otherwise refer or relate to any embedded program object system, method, products, or services, used or sold, experimentally or commercially by Eolas and/or the named inventors of the Patents-in-Suit.

**REQUEST FOR PRODUCTION 38:**

The prosecution history of each pending or abandoned patent application, United States or foreign, including but not limited to continuation, continuation-in-part, divisional, reissue, or

reexamination application(s), in which Eolas now has or formerly possessed a legal or equitable interest, which discloses, claims, or otherwise refers or relates in whole or in part to embedded program objects.

**REQUEST FOR PRODUCTION 39:**

The prosecution history for the Patents-in-Suit, including the prosecution history for the reexamination of the Patents-in-Suit.

**REQUEST FOR PRODUCTION 40:**

All Materials which constitute, describe, report, evidence or otherwise refer or relate to a communication between Woods and another person or organization with respect to a United States or foreign patent which discloses, claims or otherwise refers or relates, in whole or in part, to embedded program objects, including the Patents-in-Suit.

**REQUEST FOR PRODUCTION 41:**

Each invention disclosure, record of invention or the like, including drafts thereof, in which Eolas now has or formerly possessed a legal or equitable interest, which discloses or otherwise refers or relates in whole or in part to embedded program objects, including the Patents-in-Suit.

**REQUEST FOR PRODUCTION 42:**

All Materials that constitute, evidence, describe, report or otherwise refer to the first disclosure by Michael Doyle, David Martin, and/or Cheong Ang to another of any subject matter disclosed or claimed in the Patents-in-Suit.

**REQUEST FOR PRODUCTION 43:**

All Materials that constitute, embody, describe, disclose or otherwise refer or relate to a draft of a response or amendment submitted to the USPTO in connection with the prosecution of



the application for the Patents-in-Suit or an application through which the Patents-in-Suit claims the benefit of an earlier filing date.

**REQUEST FOR PRODUCTION 44:**

All Materials that constitute, embody, describe, disclose or otherwise refer or relate to information and/or data that was included or considered for inclusion in the disclosure of the application for the Patents-in-Suit, an application through which the Patents-in-Suit claims the benefit of an earlier filing date or in a response or amendment submitted or considered for submission to the USPTO in connection with the prosecution of such application.

**REQUEST FOR PRODUCTION 45:**

All Materials that constitute, describe, evidence, report or otherwise refer or relate to any differences between the subject matter disclosed in the Patents-in-Suit and the subject matter disclosed in any patent application that the Patents-in-Suit claims the benefit of an earlier filing date.

**REQUEST FOR PRODUCTION 46:**

All Materials that constitute, describe, evidence, report or otherwise refer or relate to any comparison (including, but not limited to, those done by Woods) comparing and/or contrasting the Patents-in-Suit with pre-existing embedded program object products, technology, methods, or systems.

**REQUEST FOR PRODUCTION 47:**

All Materials that constitute, embody, describe, disclose or otherwise refer or relate to any experiments, investigations, tests, analyses, studies, and/or procedures described or referenced in the Patents-in-Suit that were conducted on or prior to October 17, 1994.

**REQUEST FOR PRODUCTION 48:**

All Materials that constitute, embody, describe, disclose or otherwise refer or relate to any Prior Art found in any files referring or relating to the Patents-in-Suit.

**REQUEST FOR PRODUCTION 49:**

All Materials that refer or relate to any analysis performed by Woods to determine whether any third party is infringing one or more claims of any of the Patents-In-Suit.

**REQUEST FOR PRODUCTION 50:**

All billing records referring or relating to any work Woods did by or on behalf of one or more of Michael Doyle, David Martin, Cheong Ang, The Regents of the University of California, and/or Eolas relating to the Patents-in-Suit between October 1993 and October 2009.

**REQUEST FOR PRODUCTION 51:**

All Materials relating or referring to any agreements for legal services with one or more of Michael Doyle, David Martin, Cheong Ang, The Regents of the University of California, and/or Eolas relating to the Patents-in-Suit.