

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

<b>EOLAS TECHNOLOGIES INCORPORATED,</b>	§	
	§	
	§	
<b>PLAINTIFF,</b>	§	<b>CIVIL ACTION NO. 6:09-CV-446-LED</b>
	§	
<b>v.</b>	§	
	§	<b>JURY TRIAL DEMANDED</b>
<b>ADOBE SYSTEMS INC., ET AL,</b>	§	
	§	
	§	
<b>DEFENDANTS.</b>	§	

**DEFENDANTS ADOBE SYSTEMS, INC., AMAZON.COM, INC., APPLE INC.,  
BLOCKBUSTER INC., EBAY INC., THE GO DADDY GROUP, INC., GOOGLE  
INC., NEW FRONTIER MEDIA, INC., ORACLE AMERICA INC. (FKA SUN  
MICROSYSTEMS, INC.), PLAYBOY ENTERPRISES INTERNATIONAL,  
INC., YAHOO! INC., AND YOUTUBE, LLC UNOPPOSED MOTION TO SEAL  
THEIR REPLY BRIEF IN SUPPORT OF THEIR MOTION TO TRANSFER TO  
THE U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF  
CALIFORNIA PURSUANT TO 28 U.S.C. § 1404(a)**

Defendants Adobe Systems, Inc., Amazon.com, Inc., Apple Inc., Blockbuster Inc., eBay Inc., The Go Daddy Group, Inc., Google Inc., New Frontier Media, Inc., Oracle America Inc.<sup>1</sup>, Playboy Enterprises International, Inc., Yahoo! Inc., and YouTube, LLC (“Moving Defendants”) hereby file this Unopposed Motion to Seal Their Reply Brief in Support of the Motion to Transfer to the U.S. District Court for the Northern District of California Pursuant to 28 U.S.C. §1404(a) (“Motion to Transfer”). The Moving Defendants’ reply brief is presently due on June 11, 2010. The Moving Defendants represent to the Court that:

The parties are still negotiating a Protective Order, and, as such the Court has not yet

---

<sup>1</sup> Defendant Oracle America Inc. was formerly known as Sun Microsystems Inc.

entered a Protective Order in this case. The reply brief will reference, and some of the exhibits to the reply brief will include, deposition transcripts and documents that have been designated by the parties as “Confidential” pursuant to P.R. 2-2. Once a Protective Order is entered, the Moving Defendants expect that the Protective Order will require documents marked as “Confidential” pursuant to P.R. 2-2 to be filed under seal. Accordingly, the Moving Defendants respectfully request leave of Court to allow them to file their reply brief in support of the Motion to Transfer under seal.

This Motion is Unopposed. A Proposed Order is attached.

Dated: June 7, 2010

/s/Richard A. Cederoth

---

David T. Pritikin  
[dpritikin@sidley.com](mailto:dpritikin@sidley.com)  
Richard A. Cederoth  
[rcederoth@sidley.com](mailto:rcederoth@sidley.com)  
SIDLEY AUSTIN LLP  
One South Dearborn  
Chicago, Illinois 60603  
Telephone: (312) 853-7000  
Facsimile: (312) 853-7036

Theodore W. Chandler  
[tchandler@sidley.com](mailto:tchandler@sidley.com)  
SIDLEY AUSTIN LLP  
555 W. Fifth Street  
Los Angeles, California 90013  
Telephone: (213) 896-6000  
Facsimile: (213) 896-6600

Teague I. Donahey  
[tdonahey@sidley.com](mailto:tdonahey@sidley.com)  
SIDLEY AUSTIN LLP  
555 California Street  
San Francisco, California 94104  
Telephone: (415) 772-1200  
Facsimile: (415) 772-7400

Eric M. Albritton  
Texas State Bar No. 00790215  
[ema@emafirm.com](mailto:ema@emafirm.com)  
ALBRITTON LAW FIRM  
P.O. Box 2649  
Longview, Texas 75606  
Telephone: (903) 757-8449  
Facsimile: (903) 758-7397

Attorneys for Defendant  
APPLE INC.

/s/David J. Healey

---

David J. Healey  
Texas State Bar No. 09327980  
[Healey@fr.com](mailto:Healey@fr.com)

FISH & RICHARDSON P.C.  
1 Houston Center  
1221 McKinney Street, Suite 2800  
Houston, Texas 77010  
Telephone: (713) 654-5300  
Facsimile: (713) 652-0109

OF COUNSEL:  
Frank E. Scherkenbach  
[Scherkenbach@fr.com](mailto:Scherkenbach@fr.com)  
FISH & RICHARDSON P.C.  
225 Franklin Street  
Boston, Massachusetts 02110-2804  
Telephone: (617) 542-5070  
Facsimile: (617) 542-8906

Joseph P. Reid  
[Reid@fr.com](mailto:Reid@fr.com)  
Jason W. Wolff  
[Wolff@fr.com](mailto:Wolff@fr.com)  
FISH & RICHARDSON P.C.  
12390 EI Camino Real  
San Diego, California 92130  
Telephone: (858) 678-5070  
Facsimile: (858) 678-5099

Attorneys for Defendant  
ADOBE SYSTEMS INC.

/s/Douglas Lumish

---

Douglas Lumish  
[doug.lumish@weil.com](mailto:doug.lumish@weil.com)  
Matthew D. Powers  
[matthew.powers@weil.com](mailto:matthew.powers@weil.com)  
Jared Bobrow  
[jared.bobrow@weil.com](mailto:jared.bobrow@weil.com)  
Joseph H. Lee  
[joseph.lee@weil.com](mailto:joseph.lee@weil.com)  
WEIL, GOTSHAL & MANGES LLP  
201 Redwood Shores Parkway  
Redwood Shores, California 94065  
Telephone: (650) 802-3000  
Facsimile: (650) 802-3100

Christian J. Hurt  
Texas State Bar No. 24059987  
[christian.hurt@weil.com](mailto:christian.hurt@weil.com)  
WEIL, GOTSHAL & MANGES LLP  
700 Louisiana, Suite 1600  
Houston, Texas 77002  
Telephone: (713) 546-5000  
Facsimile: (713) 224-9511

Attorneys for Defendants  
AMAZON.COM, INC., EBAY INC., AND  
YAHOO! INC.

/s/David Kent Wooten

---

David Kent Wooten  
Texas State Bar No. 24033477  
[dwooten@velaw.com](mailto:dwooten@velaw.com)  
VINSON & ELKINS L.L.P.  
1001 Fannin Street  
2500 First City Tower  
Houston, Texas 77002  
Telephone: (713) 758-2222  
Facsimile: (713) 615-5216

Scott Wayne Breedlove  
Texas State Bar No. 00790361  
[sbreedlove@velaw.com](mailto:sbreedlove@velaw.com)  
VINSON & ELKINS L.L.P.  
2001 Ross Avenue  
3700 Trammell Crow Center  
Dallas, Texas 75201-2975  
Telephone: (214) 220-7993  
Facsimile: (214) 999-7993

Attorneys for Defendant  
BLOCKBUSTER INC.

/s/Neil J. McNabnay

---

Thomas M. Melsheimer  
Texas State Bar No. 13922550  
[melsheimer@fr.com](mailto:melsheimer@fr.com)  
Neil J. McNabnay  
Texas State Bar No. 24002583  
[mcnabnay@fr.com](mailto:mcnabnay@fr.com)

J. Nicholas Bunch  
Texas State Bar No. 24050352  
[bunch@fr.com](mailto:bunch@fr.com)  
FISH & RICHARDSON P.C.  
1717 Main Street, Suite 5000  
Dallas, Texas 75201  
Telephone: (214) 747-5070  
Facsimile: (214) 747-2091

Attorneys for Defendant  
THE GO DADDY GROUP, INC.

/s/Scott T. Weingaertner

---

Michael E. Jones  
State Bar No. 10929400  
[mikejones@potterminton.com](mailto:mikejones@potterminton.com)  
Allen F. Gardner  
State Bar No. 24043679  
[allengardner@potterminton.com](mailto:allengardner@potterminton.com)  
POTTER MINTON  
A Professional Corporation  
110 N. College, Suite 500 (75702)  
P.O. Box 359  
Tyler, Texas 75710  
Telephone: (903) 597-8311  
Facsimile: (903) 593-0846

Scott T. Weingaertner  
[sweingaertner@kslaw.com](mailto:sweingaertner@kslaw.com)  
Robert F. Perry  
[rperry@kslaw.com](mailto:rperry@kslaw.com)  
Christopher C. Carnaval  
[ccarnaval@kslaw.com](mailto:ccarnaval@kslaw.com)  
Mark H. Francis  
[mfrancis@kslaw.com](mailto:mfrancis@kslaw.com)  
KING & SPALDING LLP  
1185 Avenue of the Americas  
New York, NY 10036-4003  
Telephone: (212) 556-2100  
Facsimile: (212) 556-2222

Attorneys for Defendants  
GOOGLE INC. AND YOUTUBE, LLC

/s/Michael Simons

---

Michael Simons  
Texas State Bar No. 24008042  
[msimons@akingump.com](mailto:msimons@akingump.com)  
AKIN GUMP STRAUSS HAUER & FELD LLP  
300 West 6th Street  
Suite 2100  
Austin, Texas 78701-3911  
Telephone: (512) 499-6200  
Facsimile: (512) 499-6290

Attorneys for Defendant  
NEW FRONTIER MEDIA, INC.

/s/Eric H. Findlay

---

Eric H. Findlay  
Texas State Bar No. 00789886  
[efindlay@findlaycraft.com](mailto:efindlay@findlaycraft.com)  
FINDLAY CRAFT, LLP  
6760 Old Jacksonville Highway, Suite 101  
Tyler, TX 75703  
Telephone: (903) 534-1100  
Facsimile: (903) 534-1137

Mark D. Fowler  
[mark.fowler@dlapiper.com](mailto:mark.fowler@dlapiper.com)  
DLA PIPER US LLP  
2000 University Avenue  
East Palo Alto, CA 94303-2215  
Telephone: (650) 833-2000  
Facsimile: (650) 833-2001

Kathryn B. Riley  
[kathryn.riley@dlapiper.com](mailto:kathryn.riley@dlapiper.com)  
DLA PIPER US LLP  
401 B Street, Suite 1700  
San Diego, CA 92101  
Telephone: (619) 699-2700  
Facsimile: (619) 764-6692

Attorneys for Defendant  
ORACLE AMERICA, INC.

/s/Avelyn M. Ross

---

David B. Weaver  
Texas State Bar No. 00798576  
[dweaver@velaw.com](mailto:dweaver@velaw.com)  
Avelyn M. Ross  
Texas State Bar No. 24027871  
[aross@velaw.com](mailto:aross@velaw.com)  
Gentry C. McLean  
Texas State Bar No. 24046403  
[gmclean@velaw.com](mailto:gmclean@velaw.com)  
VINSON & ELKINS L.L.P.  
The Terrace 7  
2801 Via Fortuna, Suite 100  
Austin, Texas 78746-7568  
Telephone: (512) 542-8400  
Facsimile: (512) 236-3218

Attorneys for Defendant  
PLAYBOY ENTERPRISES INTERNATIONAL,  
INC.

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5. As such, this motion was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d), 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 email, on this the 7th day of June, 2010.

/s/Duy D. Nguyen

---