

**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.

CASE NO. 6:09-cv-446

Hon. Leonard E. Davis

JURY

**JOINT UNOPPOSED MOTION FOR EXTENSION OF TIME  
FOR DEFENDANTS TO SERVE THEIR P.R. 3-3 AND 3-4 DISCLOSURES**

**AND FOR**

**EOLAS TO SERVE SUPPLEMENTAL P.R. 3-1 INFRINGEMENT CONTENTIONS  
WITH RESPECT TO GOOGLE AND APPLE**

## **I. INTRODUCTION**

Defendants jointly move the Court for a 17 day extension of time until July 12, 2010 for Defendants to serve their P.R. 3-3 and 3-4 disclosures. Eolas does not oppose this request.

Eolas also moves the Court for leave to serve supplemental P.R. 3-1 infringement contentions with respect to Google and Apple as discussed herein. Defendants do not oppose this request.

## **II. DEFENDANTS' UNOPPOSED REQUEST FOR RELIEF**

1. Defendants' P.R. 3-3 and 3-4 disclosures (invalidity contentions) are currently due on June 25, 2010. (*See Docket Control Order*, Dkt. 242, at 6.)
2. As part of Eolas' document productions dated June 7, 2010 and June 14, 2010 Eolas produced documents related to the prosecution, re-examination and interferences of the patents-in-suit, in addition to the copies of the file histories Eolas produced on March 5, 2010 as part of its P.R. 3-2 document production.
3. In order to afford the Defendants with additional time to review these materials prior to the service of their P.R. 3-3 and 3-4 disclosures, Eolas does not oppose Defendants' request for 17-day extension up to and including July 12, 2010 to serve their P.R. 3-3 and 3-4 disclosures.

## **III. EOLAS' UNOPPOSED REQUEST FOR RELIEF**

1. Eolas served its P.R. 3-1 infringement contentions on March 5, 2010.
2. Since March 5, 2010, the facts and circumstances surrounding Eolas' infringement allegations against Google and Apple have changed. Accordingly, Defendants do not to oppose Eolas' request for leave to serve supplemental infringement contentions against Google and Apple for the products and under the schedule set forth herein:

- a. On the date the Court grants this Motion:
  - i. '906 Patent against Google's Episodic website;
  - ii. '985 Patent against Google's Episodic website;
  
- b. On July 1, 2010:
  - i. '906 Patent against Apple Safari (including Safari 5) for the Mac;
  - ii. '985 Patent against Apple Safari (including Safari 5) for the PC;
  - iii. '906 Patent against Apple Safari (including Safari 5) for the Mac;
  - iv. '985 Patent against Apple Safari (including Safari 5) for the PC;
  - v. '906 Patent against Apple Safari for the iPad;
  - vi. '985 Patent against Apple Safari for the iPad;
  
- c. On July 23, 2010:
  - i. '906 Patent against Apple Safari for the iPhone; and
  - ii. '985 Patent against Apple Safari for the iPhone.

Dated: June 22, 2010

Respectfully submitted by,

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on June 22, 2010. Any other counsel of record will be served by First Class U.S. mail on this same date.

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