

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

Eolas Technologies Incorporated,

Plaintiff,

vs.

**Adobe Systems Inc., Amazon.com, Inc.,
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.

Civil Action No. 6:09-CV-00446-LED

JURY TRIAL

**DEFENDANTS' NOTICE OF SUPPLEMENTAL AUTHORITY IN SUPPORT OF
TRANSFER TO THE NORTHERN DISTRICT OF CALIFORNIA**

Defendants file this Notice of Supplemental Authority in Support of Transfer in light of the Federal Circuit's June 24, 2010 Order in *In re Zimmer Holdings, Inc.*, Misc. Docket No. 938 (Fed. Cir. June 24, 2010), attached as Exhibit A. In this case, transfer was required in light of the substantial conveniences in trying the case in the transferee district and because "the only connection between this case and the plaintiff's chosen forum is a legal fiction." *Id.* at 8. This decision is further pertinent to Defendants' pending motion to transfer with respect to the following holdings:

- Plaintiff's decision to claim its principal place of business in the chosen forum requires close scrutiny. *Id.* at 5.
- Plaintiff's presence in the forum is entitled to no weight if it "appears to be recent, ephemeral, and an artifact of litigation." *Id.* at 6.

Dated: July 2, 2010

Respectfully submitted,

By: /s/ Christian J. Hurt

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic mail are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this 2nd day of July 2010. Any other counsel of record will be served via First Class U.S. Mail on this same date.

/s/ Arlene Uyemura

Arlene Uyemura