

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

Eolas Technologies Incorporated,	§	
	§	
Plaintiff,	§	Civil Action No. 6:09-cv-446
	§	
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	§	JURY TRIAL
	§	
	§	
Defendants.	§	

EOLAS’ UNOPPOSED MOTION TO SEAL ITS SUR REPLY IN OPPOSITION TO 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., AND YOUTUBE, LLC’S 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” or “Plaintiff”) hereby files this Unopposed Motion to Seal its Sur Reply in Opposition to 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., and YouTube, LLC’s 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”). Eolas respectfully shows the Court as follows:

The parties are still negotiating a Protective Order, and, as such the Court has not yet entered a Protective Order in this case. Some of the exhibits to Eolas’ sur reply are excerpts of depositions which were designated as “Confidential” pursuant to P.R. 2-2. Once a Protective Order is entered, Eolas expects that the Protective Order will require documents marked as “Confidential” pursuant to P.R. 2-2 to be filed under seal. Accordingly, Eolas requests leave of Court to allow it to file its Sur Reply in Opposition to the Motion to Transfer under seal.

This Motion is Unopposed. A Proposed Order is attached.

DATED: July 9, 2010.

Respectfully submitted,

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 notice was served on all counsel who 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(e), 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 electronic mail by agreement of the parties on this the 9th day of July, 2010.

/s/ Josh Budwin _____
Josh Budwin