

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

EOLAS TECHNOLOGIES INC.,

Plaintiff,

vs.

ADOBE SYSTEMS, INC., ET AL.,

Defendants.

Civil Action No. 6:09-cv-446-LED

AND RELATED COUNTERCLAIMS

**JOINT UNOPPOSED MOTION FOR EXTENSIONS OF TIME TO
COMPLETE CERTAIN PRODUCTIONS PURSUANT TO JOINT AGREED
DISCOVERY ORDER AND DOCKET CONTROL ORDER**

Plaintiff Eolas Technologies Inc. (“Eolas”) and Defendants 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 Co., Inc., JPMorgan Chase & Co., New Frontier Media, Inc., Office Depot, Inc., Oracle America, Inc. (fka Sun Microsystems, Inc.), Perot Systems Corp., Playboy Enterprises International, Inc., Rent-A-Center, Inc., Staples, Inc., Texas Instruments Inc., Yahoo! Inc., and YouTube, LLC (collectively, “Defendants”) respectfully move the Court to extend the deadlines for (a) the production of source code pursuant to Paragraph 2(B) of the Joint Agreed Discovery Order [Docket No. 247] from July 16, 2010 until August 9, 2010; (b) the parties to complete their rolling document productions pursuant to Paragraph 2(B) of the Joint Agreed Discovery Order [Docket No. 247] from August

4, 2010 until August 25, 2010¹; and (c) the exchange of privilege logs pursuant to the Docket Control Order [Docket No. 249] from August 27, 2010 until September 17, 2010, and would show the Court as follows:

I.

Pursuant to Paragraph 2(B) of the Joint Agreed Discovery Order entered by this Court on April 2, 2010 [Docket No. 247], the parties have until July 16, 2010 to complete their production of source code and the deadline for completion of rolling document productions is August 4, 2010. In addition, pursuant to the Docket Control Order [Docket No. 249], the parties must exchange privilege logs on August 27, 2010.

The parties have been working diligently to negotiate an agreed protective order governing the production of documents and source code in this action and have made significant progress, but those negotiations are not yet completed. In order to permit the parties additional time to complete their negotiations in advance of completing their document and source code productions, the parties seek additional time to meet the aforementioned production. The parties have met and conferred and this Motion is made **jointly** and is **unopposed**. The parties request that the Court extend the deadlines for (a) the production of source code pursuant to Paragraph 2(B) of the Joint Agreed Discovery Order [Docket No. 247] from July 16, 2010 until August 9, 2010; (b) the parties to complete their rolling document productions pursuant to Paragraph 2(B) of the Joint Agreed Discovery Order [Docket No. 247] from August 4, 2010 until August 25, 2010; and (c) the exchange of privilege logs pursuant to the Docket Control Order [Docket No.

¹ Pursuant to the Court's Order Granting Defendant Apple Inc.'s Unopposed Motion for Extension of Time to Complete Rolling Document Production Pursuant to ¶ 2(B) of the Joint Agreed Discovery Order [Docket No. 344], the Court extended Apple's deadline to complete its rolling document production pursuant to Paragraph 2(B) of the Joint Discovery Order to September 29, 2010. This motion is not intended to alter Apple's September 29, 2010 deadline, which will remain in place.

249] from August 27, 2010 until September 17, 2010. These brief extensions will ensure that the parties have sufficient time to successfully complete their protective order negotiations prior to having to complete their discovery obligations under ¶ 2(B) of the Joint Agreed Discovery Order and the Docket Control Order.

II.

This motion is not made for delay, and should not impact any other deadline applicable to this litigation.

III.

Accordingly, the parties respectfully move the Court for an Order extending the deadlines for (a) the production of source code pursuant to Paragraph 2(B) of the Joint Agreed Discovery Order [Docket No. 247] from July 16, 2010 until August 9, 2010; (b) the parties to complete their rolling document productions pursuant to Paragraph 2(B) of the Joint Agreed Discovery Order [Docket No. 247] from August 4, 2010 until August 25, 2010; and (c) the exchange of privilege logs pursuant to the Docket Control Order [Docket No. 249] from August 27, 2010 until September 17, 2010.

Dated: July 14, 2010

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). 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 14th day of July, 2010.

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