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

Eolas Technologies Incorporated,	§	
	§	
Plaintiff,	§	
	§	**Civil Action No. 6:09-CV-00446-LED**
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**
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Defendants.	§	

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

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 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 (collectively, "Defendants") and Plaintiff Eolas Technologies, Inc. ("Eolas") respectfully move the Court to extend the deadline for (a) the production of source code pursuant to Paragraph 2(B) of the Joint Agreed Discovery Order [Docket No. 247] from August 9, 2010 until September 1, 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 25, 2010 until September 29, 2010; and (c) the exchange of privilege logs pursuant to the Docket Control Order [Docket No. 249] from

September 17, 2010 until October 16, 2010. The present deadlines were set under the Court's Order Granting Joint Unopposed Motion For Extension Of Time To Complete Certain Productions Pursuant To Joint Agreed Discovery Order And Docket Control Order dated July 16, 2010 ("Extension Order") [Docket No. 366]. The parties have conferred regarding the relief requested herein and this motion is made jointly and is unopposed.

I.

Pursuant to the Order Granting Joint Unopposed Motion For Extension Of Time entered by this Court on July 16, 2010 [Docket No. 366], the parties have until August 9, 2010 to complete their production of source code, the deadline for completion of rolling document production is August 25, and the parties must exchange privilege logs on September 17.

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. The parties have also been discussing Eolas' proposal for the production of representative versions of source code for the accused products, in order to reduce the burden of source code production on the parties. 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**. Accordingly, the parties respectfully request that the Court grant this joint and unopposed Motion and extend the deadline for (a) the production of source code from August 9, 2010 until September 1, 2010; (b) the parties to complete their rolling document productions from August 25, 2010 until September 29, 2010; and (c) the exchange of privilege logs from September 17, 2010 until October 16, 2010. This brief extension of time will ensure that the parties have sufficient time to successfully complete their protective order negotiations prior to having to complete their discovery obligations under Paragraph 2(B) of the Joint Agreed Discovery Order and Docket Control Order. The parties agree to begin their rolling production of documents as soon as practicable, and to use their best efforts to produce documents in

advance of the September 29, 2010 deadline for the completion of document production discussed herein.

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 deadline for (a) the production of source code pursuant to Paragraph 2(B) of the Joint Agreed Discovery Order [Docket No. 247] and the Extension Order [Docket No. 366] from August 9, 2010 until September 1, 2010; (b) the parties to complete their rolling document productions pursuant to Paragraph 2(b) of the Joint Agreed Discovery Order [Docket No. 247] and the Extension Order [Docket No. 366] from August 25, 2010 until September 29, 2010; and (c) the exchange of privilege logs pursuant to the Docket Control Order [Docket No. 249] and the Extension Order [Docket No. 366] from September 17, 2010 until October 16, 2010.

Dated: August 11, 2010

Respectfully submitted

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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 11th day of August 2010. Any other counsel of record will be served via First Class U.S. Mail on this same date.

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