

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

**EOLAS TECHNOLOGIES LLC,**

**Plaintiff,**

**v.**

**ADOBE SYSTEMS INC., et al.,**

**Defendants.**

**Case No. 6:09-cv-446-LED**

**JOINT MOTION TO EXTEND DEADLINES FOR  
ASSERTING AND RESPONDING TO COUNTERCLAIMS**

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 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., Oracle America, Inc. (formerly known as Sun Microsystems Inc.), Texas Instruments Inc., Yahoo! Inc., and YouTube, LLC (collectively, “Defendants”) respectfully move the Court (a) to extend the deadlines for the assertion of counterclaims from September 24, 2010, to October 8, 2010; and (b) to extend Eolas’ deadline for responding to any asserted counterclaims by 21 days, in addition to the deadlines set forth in the Federal Rules of Civil Procedure, and would show the Court as follows:

Pursuant to the Docket Control Order (Dkt. 249), the deadline for parties to assert counterclaims is Friday, September 24, 2010. Many of the defendants will be asserting counterclaims based on inequitable conduct and may be asserting counterclaims based upon a license defense. As a result, Defendants request an additional two weeks to prepare pleadings asserting such counterclaims in this action. Eolas requests an additional 21 days, in addition to

the deadlines set forth in the Federal Rules of Civil Procedure, to respond to any asserted counterclaims. The parties have met and conferred and this Motion is made jointly and is unopposed.

Accordingly, the parties request that the Court extend the deadline for asserting counterclaims from September 24, 2010, to October 8, 2010, and that the Court grant Eolas an extension of 21 days, in addition to the deadlines set forth in the Federal Rules of Civil Procedure, for responding to any asserted counterclaims. This motion is not made for delay, and should not impact any other deadline applicable to this litigation.

Dated: September 24, 2010

Respectfully submitted,

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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.

/s/ Proshanto Mukherji

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