# 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.,	§	JURY TRIAL
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.	§	

EOLAS' UNOPPOSED MOTION FOR LEAVE TO SUPPLEMENT ITS P.R. 3-1
INFRINGEMENT CONTENTIONS WITH RESPECT TO GOOGLE'S NEWLY ADDED
GOOGLE INSTANT FUNCTIONALITY

#### I. INTRODUCTION

Eolas moves the Court for leave to supplement its P.R. 3-1 infringement contentions with respect to Google and its newly added Google Instant functionality as discussed herein. Google does not oppose this request. This request does not extend to any other defendants in this action.

### II. EOLAS' UNOPPOSED REQUEST FOR RELIEF

- 1. Eolas served its P.R. 3-1 infringement contentions against Google on March 5, 2010.
- 2. Since March 5, 2010, Google added new functionality to its accused products: namely the Google Instant functionality included in the infringement contentions attached as Exhibit A hereto. Prior to filing this Motion, Eolas provided a copy of the infringement contentions for Google's newly added Google Instant Functionality to counsel for Google. Counsel for Google has indicated that it does not oppose Eolas' request for leave to supplement its infringement contentions for the '985 patent for the Google Instant functionality it recently added to its accused website. Eolas will re-serve such contentions on Google's counsel within three days of the date the Court grants this motion.

Dated: September 28, 2010.

#### MCKOOL SMITH, P.C.

/s/ Mike McKool

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ATTORNEYS FOR PLAINTIFF EOLAS TECHNOLOGIES, INC.

### **CERTIFICATE OF CONFERENCE**

Counsel for Eolas has conferred with counsel for Google regarding the relief requested in this Motion. Defendant is unopposed to the relief requested in this Motion.

/s/ Josh Budwin Josh Budwin

## **CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who have consented to electronic service. Local Rule CV-5(a)(3)(A) on September 28, 2010.

/s/ Josh Budwin Josh Budwin