

**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 MOTION FOR EXTENSION OF TIME FOR THE PARTIES TO SERVE  
PRIVILEGE LOGS PURSUANT TO DOCKET CONTROL ORDER**

Plaintiff Eolas Technologies Inc. and Defendants Adobe Systems Inc., Amazon.com, Inc., Apple Inc., CDW LLC, 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., 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 respectfully move the Court to extend the deadline for the parties to exchange privilege logs pursuant to the Docket Control Order until November 17, 2010, and would show the Court as follows:

I.

Pursuant to the Docket Control Order, as subsequently extended by order of the Court [*see* Docket No. 381], the current deadline for the parties to exchange their privilege logs is

October 16, 2010.<sup>1</sup> The parties have been working diligently to prepare their privilege logs to be exchanged but, despite their efforts, seek additional time to complete their privilege logs. The parties have met and conferred and this Motion is made **jointly** and is **unopposed**. The parties are in agreement that the deadline for the exchange of all parties' privilege logs may be extended until November 17, 2010.<sup>2</sup>

II.

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

III.

Accordingly, the parties respectfully request that the Court grant this unopposed Motion and extend the deadline for the parties to exchange their privilege logs until November 17, 2010.

---

<sup>1</sup> Some of the parties have individually obtained additional extensions of time to exchange privilege logs. *See, e.g.*, Docket No. 418.

<sup>2</sup> This request is not intended to alter the December 16, 2010 deadline for Google to serve its privilege log relating to Google Instant. *See* Docket No. 447.

Dated: October 11, 2010

/s/Josh W. Budwin

---

Mike McKool  
Lead Attorney  
Texas State Bar No. 13732100  
[mmckool@mckoolsmith.com](mailto:mmckool@mckoolsmith.com)  
Douglas Cawley  
Texas State Bar No. 04035500  
[dcawley@mckoolsmith.com](mailto:dcawley@mckoolsmith.com)  
Luke McLeroy  
Texas State Bar No. 24041455  
[lmcleroy@mckoolsmith.com](mailto: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](mailto: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](mailto:kburgess@mckoolsmith.com)  
Steven J. Pollinger  
Texas State Bar No. 24011919  
[spollinger@mckoolsmith.com](mailto:spollinger@mckoolsmith.com)  
Josh W. Budwin  
Texas State Bar No. 24050347  
[jbudwin@mckoolsmith.com](mailto: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.

/s/Teague I. Donahey

---

David T. Pritikin  
[dpritikin@sidley.com](mailto:dpritikin@sidley.com)  
Richard A. Cederroth  
[rcederroth@sidley.com](mailto:rcederroth@sidley.com)  
SIDLEY AUSTIN LLP  
One South Dearborn  
Chicago, Illinois 60603  
Telephone: (312) 853-7000  
Facsimile: (312) 853-7036

Theodore W. Chandler  
[tchandler@sidley.com](mailto:tchandler@sidley.com)  
SIDLEY AUSTIN LLP  
555 W. Fifth Street  
Los Angeles, California 90013  
Telephone: (213) 896-6000  
Facsimile: (213) 896-6600

Teague I. Donahey  
[tdonahey@sidley.com](mailto:tdonahey@sidley.com)  
SIDLEY AUSTIN LLP  
555 California Street  
San Francisco, California 94104  
Telephone: (415) 772-1200  
Facsimile: (415) 772-7400

Eric M. Albritton  
Texas State Bar No. 00790215  
[ema@emafirm.com](mailto:ema@emafirm.com)  
ALBRITTON LAW FIRM  
P.O. Box 2649  
Longview, Texas 75606  
Telephone: (903) 757-8449  
Facsimile: (903) 758-7397

Attorneys for Defendant  
APPLE INC.

David J. Healey

---

David J. Healey  
Texas State Bar No. 09327980  
[Healey@fr.com](mailto:Healey@fr.com)  
FISH & RICHARDSON P.C.  
1 Houston Center  
1221 McKinney Street, Suite 2800  
Houston, Texas 77010  
Telephone: (713) 654-5300  
Facsimile: (713) 652-0109

OF COUNSEL:  
Frank E. Scherkenbach  
[Scherkenbach@fr.com](mailto:Scherkenbach@fr.com)  
FISH & RICHARDSON P.C.  
225 Franklin Street  
Boston, Massachusetts 02110-2804  
Telephone: (617) 542-5070  
Facsimile: (617) 542-8906

Joseph P. Reid  
[Reid@fr.com](mailto:Reid@fr.com)  
Jason W. Wolff  
[Wolff@fr.com](mailto:Wolff@fr.com)  
FISH & RICHARDSON P.C.  
12390 EI Camino Real  
San Diego, California 92130  
Telephone: (858) 678-5070  
Facsimile: (858) 678-5099

Attorneys for Defendant  
ADOBE SYSTEMS INC.

/s/Douglas Lumish

---

Douglas Lumish  
[doug.lumish@weil.com](mailto:doug.lumish@weil.com)  
Jared Bobrow  
[jared.bobrow@weil.com](mailto:jared.bobrow@weil.com)  
Joseph H. Lee  
[joseph.lee@weil.com](mailto:joseph.lee@weil.com)  
Parker C. Ankrum  
[parker.ankrum@weil.com](mailto:parker.ankrum@weil.com)  
WEIL, GOTSHAL & MANGES LLP  
201 Redwood Shores Parkway  
Redwood Shores, CA 94065  
Telephone: (650) 802-3000  
Facsimile: (650) 802-3100

Christian J. Hurt (Bar No. 24059987)  
christian.hurt@weil.com  
WEIL, GOTSHAL & MANGES LLP  
700 Louisiana, Suite 1600  
Houston, TX 77002  
Telephone: (713) 546-5000  
Facsimile: (713) 224-9511

Otis Carroll (Bar No. 3895700)  
Deborah Race (Bar No. 11648700)  
IRELAND, CARROLL & KELLEY, P.C.  
6101 South Broadway, Suite 500  
Tyler, Texas 75703  
Telephone: (903) 561-1600  
Facsimile: (903) 581-1071  
Email: [fedserv@ickl.com](mailto:fedserv@ickl.com)

Attorneys for Defendants  
AMAZON.COM, INC., EBAY INC., AND  
YAHOO! INC.

*/s/Anthony S. Gabrielson*

---

Thomas L. Duston  
[tduston@marshallip.com](mailto:tduston@marshallip.com)  
Julianne M. Hartzell  
[jhartzell@marshallip.com](mailto:jhartzell@marshallip.com)  
Anthony S. Gabrielson  
[agabrielson@marshallip.com](mailto:agabrielson@marshallip.com)  
Scott A. Sanderson  
[sanderson@marshallip.com](mailto:sanderson@marshallip.com)  
MARSHALL, GERSTEIN & BORUN LLP  
6300 Willis Tower  
233 South Wacker Drive  
Chicago, Illinois 60606-6357  
Telephone: (312) 474-6300

Brian Craft  
[bcraft@findlaycraft.com](mailto:bcraft@findlaycraft.com)  
Texas State Bar No. 04972020  
Eric H. Findlay  
Texas State Bar No. 00789886  
[efindlay@findlaycraft.com](mailto:efindlay@findlaycraft.com)  
FINDLAY CRAFT, LLP  
6760 Old Jacksonville Highway, Suite 101  
Tyler, Texas 75703  
Telephone: (903) 534-1100  
Facsimile: (903) 534-1137

Attorneys for Defendant  
CDW LLC

/s/Roger B. Cowie

---

Edwin R. DeYoung  
Texas State Bar No. 05673000  
[edeyoung@lockelord.com](mailto:edeyoung@lockelord.com)  
Roy W. Hardin  
Texas State Bar No. 08968300  
Roger Brian Cowie  
Texas State Bar No. 00783886  
[rcowie@lockelord.com](mailto:rcowie@lockelord.com)  
M. Scott Fuller  
Texas State Bar No. 24036607  
[sfuller@lockelord.com](mailto:sfuller@lockelord.com)  
Galyn Gafford  
Texas State Bar No. 24040938  
[ggafford@lockelord.com](mailto:ggafford@lockelord.com)  
LOCKE LORD BISSELL & LIDDELL  
LLP  
2200 Ross Avenue, Suite 2200  
Dallas, Texas 75201-6776  
Telephone: (214) 740-8000  
Facsimile: (214) 740-8800

ATTORNEYS FOR DEFENDANT  
CITIGROUP, INC.

/s/Jeffrey F. Yee

---

Jeffrey K. Joyner  
[joynerj@gtlaw.com](mailto:joynerj@gtlaw.com)  
Jeffrey F. Yee  
[yeej@gtlaw.com](mailto:yeej@gtlaw.com)  
GREENBERG TRAURIG LLP  
2450 Colorado Avenue, Suite 400E  
Santa Monica, California 90404  
Telephone: (310) 586-7700  
Facsimile: (310) 586-7800

Christopher M. Joe  
Texas State Bar No. 00787770  
[chris.joe@bjciplaw.com](mailto:chris.joe@bjciplaw.com)

Brian Carpenter  
Texas State Bar No. 03840600  
[brian.carpenterb@bjciplaw.com](mailto:brian.carpenterb@bjciplaw.com)  
Eric W. Buether  
Texas State Bar No. 03316880  
[eric.buethere@bjciplaw.com](mailto:eric.buethere@bjciplaw.com)  
BUETHER, JOE & CARPENTER, LLC  
1700 Pacific, Suite 2390  
Dallas, Texas 75201  
Telephone: (214) 466-1270  
Facsimile: (214) 635-1842

Attorneys for Defendants  
FRITO-LAY, INC., J.C. PENNEY  
CORPORATION, INC., AND RENT-A-  
CENTER, INC.

/s/Neil J. McNabny

---

Thomas M. Melsheimer  
Texas State Bar No. 13922550  
[melsheimer@fr.com](mailto:melsheimer@fr.com)  
Neil J. McNabny  
Texas State Bar No. 24002583  
[mcnabny@fr.com](mailto:mcnabny@fr.com)  
J. Nicholas Bunch  
Texas State Bar No. 24050352  
[bunch@fr.com](mailto:bunch@fr.com)  
FISH & RICHARDSON P.C.  
1717 Main Street, Suite 5000  
Dallas, Texas 75201  
Telephone: (214) 747-5070  
Facsimile: (214) 747-2091

Attorneys for Defendant  
THE GO DADDY GROUP, INC.

/s/Scott T. Weingaertner

---

Michael E. Jones  
State Bar No. 10929400  
[mikejones@potterminton.com](mailto:mikejones@potterminton.com)  
Allen F. Gardner  
State Bar No. 24043679  
[allengardner@potterminton.com](mailto:allengardner@potterminton.com)  
POTTER MINTON  
A Professional Corporation  
110 N. College, Suite 500 (75702)  
P.O. Box 359  
Tyler, Texas 75710  
Telephone: (903) 597-8311  
Facsimile: (903) 593-0846

Scott T. Weingaertner  
[sweingaertner@kslaw.com](mailto:sweingaertner@kslaw.com)  
Robert F. Perry  
[rperry@kslaw.com](mailto:rperry@kslaw.com)  
Christopher C. Carnaval  
[ccarnaval@kslaw.com](mailto:ccarnaval@kslaw.com)  
Mark H. Francis  
[mfrancis@kslaw.com](mailto:mfrancis@kslaw.com)  
KING & SPALDING LLP  
1185 Avenue of the Americas  
New York, NY 10036-4003  
Telephone: (212) 556-2100  
Facsimile: (212) 556-2222

Attorneys for Defendants  
GOOGLE INC. AND YOUTUBE, LLC

/s/ Stephen K. Shahida

---

Trey Yarbrough  
Texas State Bar No. 22133500  
[trey@yw-lawfirm.com](mailto:trey@yw-lawfirm.com)  
Debra Elaine Gunter  
Texas State Bar No. 24012752  
[debby@yw-lawfirm.com](mailto:debby@yw-lawfirm.com)  
YARBROUGH ♦ WILCOX, PLLC  
100 E. Ferguson Street, Suite 1015  
Tyler, Texas 75702  
Telephone: (903) 595-3111  
Facsimile: (903) 595-0191



Stephen K. Shahida  
[sshahida@mwe.com](mailto:sshahida@mwe.com)  
MCDERMOTT WILL & EMERY LLP  
600 13th Street, N.W.  
Washington, DC 20005-3096  
Telephone: (202) 756-8327  
Facsimile: (202) 756-8087

Attorneys for Defendant  
JPMORGAN CHASE & CO.

/s/Michael Simons

---

Michael Simons  
Texas State Bar No. 24008042  
[msimons@akingump.com](mailto:msimons@akingump.com)  
AKIN GUMP STRAUSS HAUER & FELD  
LLP  
300 West 6th Street  
Suite 2100  
Austin, Texas 78701-3911  
Telephone: (512) 499-6200  
Facsimile: (512) 499-6290

Attorneys for Defendant  
NEW FRONTIER MEDIA, INC.

/s/Brett E. Bachtell

---

David M. Stein  
Texas State Bar No. 00797494  
[dstein@mwe.com](mailto:dstein@mwe.com)  
MCDERMOTT WILL & EMERY LLP  
18191 Von Karman Avenue, Suite 500  
Irvine, California 92612-7108  
Telephone: (949) 851-0633  
Facsimile: (949) 851-9348

J. Thad Heartfield  
Texas State Bar No. 09346800  
[thad@jth-law.com](mailto:thad@jth-law.com)  
THE HEARTFIELD LAW FIRM  
2195 Dowlen Road  
Beaumont, Texas 77706  
Telephone: (409) 866-3318  
Facsimile: (409) 866-5789

Kenneth J. Jurek  
[kjurek@mwe.com](mailto:kjurek@mwe.com)  
Suzanne M. Wallman  
[swallman@mwe.com](mailto:swallman@mwe.com)  
Brett E. Bachtell  
[bbachtell@mwe.com](mailto:bbachtell@mwe.com)  
MCDERMOTT WILL & EMERY LLP  
227 West Monroe Street  
Chicago, Illinois 60606  
Telephone: (312) 372-2000  
Facsimile: (312) 984-7700

Attorneys for Defendant  
OFFICE DEPOT, INC.

/s/Eric H. Findlay

---

Eric H. Findlay  
Texas State Bar No. 00789886  
[efindlay@findlaycraft.com](mailto:efindlay@findlaycraft.com)  
FINDLAY CRAFT, LLP  
6760 Old Jacksonville Highway, Suite 101  
Tyler, TX 75703  
Telephone: (903) 534-1100  
Facsimile: (903) 534-1137

Mark D. Fowler  
[mark.fowler@dlapiper.com](mailto:mark.fowler@dlapiper.com)  
DLA PIPER US LLP  
2000 University Avenue  
East Palo Alto, CA 94303-2215  
Telephone: (650) 833-2000  
Facsimile: (650) 833-2001

Kathryn B. Riley  
[kathryn.riley@dlapiper.com](mailto:kathryn.riley@dlapiper.com)  
DLA PIPER US LLP  
401 B Street, Suite 1700  
San Diego, CA 92101  
Telephone: (619) 699-2700  
Facsimile: (619) 764-6692

Attorneys for Defendant  
ORACLE AMERICA, INC.

/s/ Douglas M. Kubehl

---

Barton E. Showalter  
Texas State Bar No. 00788408  
[bart.showalter@bakerbotts.com](mailto:bart.showalter@bakerbotts.com)  
Douglas M. Kubehl  
Texas State Bar No. 00796909  
[doug.kubehl@bakerbotts.com](mailto:doug.kubehl@bakerbotts.com)  
David O. Taylor  
Texas State Bar No. 24042010  
[david.taylor@bakerbotts.com](mailto:david.taylor@bakerbotts.com)  
BAKER BOTTS L.L.P.  
2001 Ross Avenue  
Dallas, Texas 75201-2980  
Telephone: (214) 953-6500  
Facsimile: (214) 953-6503

Attorneys for Defendant  
PEROT SYSTEMS CORP.

/s/Avelyn M. Ross

---

David B. Weaver  
Texas State Bar No. 00798576  
[dweaver@velaw.com](mailto:dweaver@velaw.com)  
Avelyn M. Ross  
Texas State Bar No. 24027871  
[aross@velaw.com](mailto:aross@velaw.com)  
Gentry C. McLean  
Texas State Bar No. 24046403  
[gmclean@velaw.com](mailto:gmclean@velaw.com)  
John Fedock  
Texas State Bar No. 24059737  
[jfedock@velaw.com](mailto:jfedock@velaw.com)  
VINSON & ELKINS L.L.P.  
The Terrace 7  
2801 Via Fortuna, Suite 100  
Austin, Texas 78746-7568  
Telephone: (512) 542-8400  
Facsimile: (512) 236-3218

Attorneys for Defendant  
PLAYBOY ENTERPRISES  
INTERNATIONAL, INC.

/s/Kate Hutchins

---

Mark G. Matuschak  
[mark.matuschak@wilmerhale.com](mailto:mark.matuschak@wilmerhale.com)  
Donald R. Steinberg  
[donald.steinberg@wilmerhale.com](mailto:donald.steinberg@wilmerhale.com)  
WILMER CUTLER PICKERING  
HALE AND DORR LLP  
60 State Street  
Boston, Massachusetts 02109  
Telephone: (617) 526-6000  
Facsimile: (617) 526-5000

Kate Hutchins  
[kate.hutchins@wilmerhale.com](mailto:kate.hutchins@wilmerhale.com)  
WILMER CUTLER PICKERING  
HALE AND DORR LLP  
399 Park Avenue  
New York, New York 10011  
Telephone: (212) 230-8800  
Facsimile: (212) 230-8888

Daniel V. Williams  
[daniel.williams@wilmerhale.com](mailto:daniel.williams@wilmerhale.com)  
WILMER CUTLER PICKERING  
HALE AND DORR LLP  
1875 Pennsylvania Avenue, N.W.  
Washington, DC 20006  
Telephone: (202) 663-6000  
Facsimile: (202) 663-6363

Michael E. Richardson  
Texas State Bar No. 24002838  
[mrichardson@brsfirm.com](mailto:mrichardson@brsfirm.com)  
BECK REDDEN & SECREST  
1221 McKinney, Suite 4500  
Houston, Texas 77010  
Telephone: (713) 951-6284  
Facsimile: (713) 951-3720

Attorneys for Defendant  
STAPLES, INC.

/s/Amanda A. Abraham

---

Carl R. Roth  
[cr@rothfirm.com](mailto:cr@rothfirm.com)

Brendan C. Roth  
[br@rothfirm.com](mailto:br@rothfirm.com)  
Amanda A. Abraham  
[aa@rothfirm.com](mailto:aa@rothfirm.com)  
THE ROTH LAW FIRM, P.C.  
115 N. Wellington, Suite 200  
Marshall, Texas 75670  
Telephone: (903) 935-1665  
Facsimile: (903) 935-1797

Attorneys for Defendant  
TEXAS INSTRUMENTS 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 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) and (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 email, on this the 11th day of October, 2010.

/s/Duy D. Nguyen

---