

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

EOLAS TECHNOLOGIES, INC.

Plaintiff,

v.

ADOBE SYSTEMS, INC., ET AL.,

Defendants.

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

JURY TRIAL DEMANDED

**UNOPPOSED MOTION FOR EXTENSION OF TIME FOR ADOBE SYSTEMS
INCORPORATED TO COMPLETE CERTAIN DISCOVERY**

Defendant Adobe Systems Incorporated (“Adobe”) hereby moves the Court for an extension of time to complete certain discovery. The parties have conferred regarding the relief requested herein and this motion is unopposed.

The deadline for Adobe to conclude its document production is currently set for October 13, 2010 (Docket No. 418). The parties have conferred and agreed that the deadlines for completion of Adobe’s document production should be extended to October 27, 2010. Adobe has already begun its production of materials on a rolling basis will continue its production as fast as practical up to and including October 27, 2010.

Adobe has been diligently searching for responsive documents, and has produced and made available for inspection materials already, this extension is necessary because despite resolving some of the issues that arose for other agreed upon custodians in its previous request for an extension, four custodians (Doug Benson, Paul Betlem, Rick Brown, and Rudi Sherry) still have data that has not been successfully imaged or extracted (we are presently unsure which

is the problem but are diligently working to resolve it) due to its age, the number of computers it was obtained from, the computer operating systems, and the data formats on those computers. Reading data from these custodians' electronic data and their data images has been extremely complicated and has required multiple efforts by Adobe. This has resulted in resources being dedicated to these four custodian's data and has delayed querying and processing the proposed search terms negotiated between Adobe and Eolas.

Accordingly, Adobe respectfully requests that the Court grant this unopposed Motion and extend the deadline for Adobe's rolling document production up to and including October 27, 2010.

Dated: October 12, 2010

Respectfully submitted,

By: */s/ Jason W. Wolff*

David J. Healey

E-mail: Healey@fr.com

FISH & RICHARDSON P.C.

1 Houston Center

1221 McKinney Street, Suite 2800

Houston, TX 77010

713-654-5300 (Telephone)

713-652-0109 (Facsimile)

OF COUNSEL:

Frank E. Scherkenbach

E-mail: Scherkenbach@fr.com

FISH & RICHARDSON P.C.

225 Franklin Street

Boston, MA 02110-2804

617-542-5070 (Telephone)

617-542-8906 (Facsimile)

Jason W. Wolff

E-mail: Wolff@fr.com

Joseph P. Reid

E-mail: Reid@fr.com

FISH & RICHARDSON P.C.

12390 El Camino Real

San Diego, CA 92130

858-678-5070 (Telephone)

858-678-5099 (Facsimile)

Counsel for Defendant

ADOBE SYSTEMS INCORPORATED

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 12th day of October, 2010. Any other counsel of record will be served via First Class U.S. Mail on this same date.

/s/ Jason W. Wolff

Jason W. Wolff