

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

Eolas Technologies Incorporated,	§	
	§	
Plaintiff	§	
v.	§	
	§	
Adobe Systems Inc., Amazon.com, Inc.	§	
Apple Inc., Argosy Publishing, Inc.,	§	
Blockbuster Inc., CDW Corp.,	§	Civil Action No. 6:09-cv-00446-LED
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.	§	

UNOPPOSED MOTION FOR EXTENSION OF TIME FOR J.C. PENNEY CORPORATION, INC., PROVIDED IT IS ADDED AS A PARTY, TO COMPLETE CERTAIN DISCOVERY

J.C. Penney Corporation, Inc.¹ (“J.C. Penney Corporation”), provided Eolas Technologies Incorporated (“Eolas”) properly names it in the Complaint, 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 deadlines for J.C. Penney Company, which was incorrectly named in the Complaint, to conclude document production and serve privilege log are currently set for

¹ J.C. Penney Company, Inc. (“J.C. Penney Company”), the parent holding company of J.C. Penney Corporation, Inc., is incorrectly named as a defendant in this case, which J.C. Penney Corporation, Inc. has disclosed in its Answer to the Complaint (Docket No. 171) and its Initial Disclosures. To date, Plaintiff has not amended the Complaint substituting J.C. Penney Corporation, Inc. for J.C. Penney Company, Inc. as the correct defendant in this case.

October 29, 2010 and November 17, 2010, respectively (Docket Nos. 411 and 464). The parties have conferred and agreed that the deadlines for completion of J.C. Penney Company's document production and service of a privilege log, if any, should be extended to November 19, 2010 and December 3, 2010, respectively. Provided that Eolas properly names J.C. Penney Corporation in the Complaint, J.C. Penney Corporation has been diligently searching and extracting responsive documents. This extension is necessary because despite its effort, J.C. Penney Corporation had to employ outside resources to locate and extract electronically stored documents which caused unforeseen delay. Accordingly, J.C. Penney Corporation, provided that Eolas names it in the Complaint, respectfully requests that the Court grant this unopposed Motion and extend the specified document production and privilege log deadlines up to and including November 19, 2010 and December 3, 2010, respectively.

Dated: October 29, 2010

Respectfully submitted,

/s/ Jeffrey F. Yee

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**ATTORNEYS FOR DEFENDANT
J.C. PENNEY CORPORATION, INC.**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on October 29, 2010. Any other counsel of record will be served by first class mail on this same date.

/s/ Jeffrey F Yee
Jeffrey F. Yee