

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

Eolas Technologies Incorporated,	§	
	§	
Plaintiff,	§	Civil Action No. 6:09-CV-00446-LED
	§	
vs.	§	
	§	
Adobe Systems Inc., Amazon.com, Inc.,	§	JURY TRIAL
Apple Inc., Argosy Publishing, 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.	§	

ORDER GRANTING JOINT MOTION TO ENTER STIPULATIONS OF THE PARTIES

Plaintiff Eolas Technologies Incorporated, (“Eolas”) 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 Corporation, 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 (together “the Parties”) have jointly moved the Court to enter the stipulations in their “Joint Motion to Enter Stipulations of the Parties” (“Motion”) in order to ease the burdens of the Parties associated with the filing of Eolas’ Second Amended Complaint.

The Court, having considered the Parties' request, is of the opinion that the motion should be GRANTED.

IT IS THEREFORE ORDERED that

1. Eolas will file its Second Amended Complaint. Eolas' Second Amended Complaint will not assert any new claims over those asserted in Eolas' First Amended Complaint. Eolas' Second Amended Complaint will name the corporate entity "J.C. Penney Corporation, Inc." where Eolas' First Amended Complaint named the corporate entity "J.C. Penney Company, Inc."
2. Service of Eolas' Second Amended Complaint is deemed made on J.C. Penney Corporation, Inc. No new summons or service are required.
3. Each Defendant's Answer to the Second Amended Complaint is deemed filed. Each Defendant's Answer to Plaintiff's First Amended Complaint shall serve as that Defendant's Answer to Plaintiff's Second Amended Complaint. Such Answers are found at Dkts. 294-297, 301-304, 316, 317, 321, 449-452, 454-460, which includes J.C. Penney Corporation, Inc.'s Answer to the First Amended Complaint, previously filed as Dkt. 296. No other Answer to Plaintiff's Second Amended Complaint is necessary to be filed by any Defendant.
4. Eolas' replies to any counterclaims in each Defendants' Answer to the Second Amended Complaint are deemed filed. Such replies are found at Dkts. 326, 327, 328, 334, 336, 340, 341, 342, 343, 347, 349 and 483 through 492.
5. All past discovery, notices, and pleadings served on J.C. Penney Company, Inc. are deemed served on J.C. Penney Corporation, Inc.

6. All past discovery extensions granted in this case to J.C. Penney Company, Inc. are deemed granted to J.C. Penney Corporation, Inc.

7. All fees, costs and expenses relating to the above-captioned litigation (including, but not limited to, attorneys' fees) incurred by J.C. Penney Company, Inc. shall be borne solely by the same.