

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

Eolas Technologies Incorporated,

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Plaintiff,

Civil Action No. 6:09-CV-00446-LED

vs.

**Adobe Systems Inc., Amazon.com, Inc.,
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**

JURY TRIAL

Defendants.

**ORDER GRANTING MOTION TO DISMISS WITHOUT PREJUDICE
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 41(A)(2)**

Plaintiff Eolas Technologies Incorporated, (“Eolas”) and Defendant J.C. Penney Company, Inc. (Eolas and J.C. Penney Company, Inc. are referenced individually as “Party” and collectively as “the Parties”), in accordance with the Court’s Order at Dkt. 515, have jointly moved to dismiss any and all claims made by Eolas against J.C. Penney Company, Inc. in the above-captioned action and any and all counterclaims made by J.C. Penney Company, Inc. against Eolas in the above-captioned action, without prejudice to re-filing the same and with no award of fees, costs or expenses, in accordance with the representations and stipulations set forth in their motion. The Court, pursuant to Federal Rule of Civil Procedure 41(a)(2), having

considered the Parties' requests, is of the opinion that the request for dismissal should be GRANTED.

IT IS THEREFORE ORDERED that any and all claims made by Eolas against J.C. Penney Company, Inc. in the above-captioned action and any and all counterclaims made by J.C. Penney Company, Inc. against Eolas in the above-captioned action are dismissed in accordance with the representations and stipulations set forth in the stipulated motion, without prejudice to re-filing and without an award of fees, costs, or expenses. This dismissal shall have no bearing on Eolas' claims with respect to the other defendants in the above-captioned action or the correctly named corporate entity of J.C. Penney Corporation, Inc.

So ORDERED and SIGNED this 8th day of December, 2010.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE