

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

**DEFENDANTS' UNOPPOSED MOTION FOR EXTENSION OF TIME TO SUBMIT
JOINT NOTICE OF STATUS AS ORDERED BY THE COURT ON DECEMBER 21**

Defendants respectfully move to extend the time to submit the joint notice of status with respect to narrowing the number of claims (Dkt. # 536) and terms in dispute to January 11, 2011.

Eolas has offered, and as many counsel for as many of the twenty plus defendants who are available, have agreed to confer multiple times over the week of December 27, 2010 to try and reduce the number of claims and terms and otherwise agree to how to narrow the case for further proceedings and trial in a sensible way. In fact, the parties have already reduced the number of terms before the Court.¹

Even if Defendants' many counsel and Eolas could negotiate a compromise for submission to the Court in the time the Court has allotted (they will try), the holidays are an impediment to obtaining consent from counsels' clients in this circumstance. Given the number of defendants and the scope of Eolas' infringement allegations, defendants' task of working

¹ While Eolas does not oppose the requested extension, Eolas wanted to Court to know that it was available to meet and confer prior to December 30.

together to obtain consensus on which claim terms to drop has been a formidable one. Indeed, some defendants (e.g. Adobe and Apple) are on “shut down” during this period, and others have client representatives who are away on vacation.

CONCLUSION

Defendants respectfully request that the Court extend the time for the requested report and compliance with its December 21, 2010 Order until Tuesday, January 11, 2011.

DATED: December 27, 2010, 2010

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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 27th day of December 2010. Any other counsel of record will be served via First Class U.S. Mail on this same date.

/s/ David J. Healey

David J. Healey

CERTIFICATE OF CONFERENCE

Under signed counsel for Adobe Systems Incorporated conferred and exchanged e-mails with counsel for Eolas Technologies, Inc. (Sam Baxter and Josh Budwin) on December 23 and 27, 2010 with respect to extending the time to submit the joint notice of status with respect to narrowing the number of claims and terms in dispute. Counsel for Eolas indicated it would not oppose this motion.

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