

Exhibit D

McKool Smith

A PROFESSIONAL CORPORATION • ATTORNEYS

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VIA E-MAIL:

Stephen K. Shahida
McDermott, Will & Emery, LLP
600 Thirteenth Street, NW
Washington, DC 20005-3096
sshahida@mwe.com

Re: *Eolas Technologies Incorporated v. Adobe Systems, Inc., et. al*; Civil Action No. 6:09-CV-00446-LED; United District Court of Texas; Eastern District

Dear Stephen:

By our count, JPMorgan has only produced *thirty-eight* documents. Given the scope of Eolas' infringement allegations against JPMorgan—including allegations against many of JPMorgan's webpages and including JPMorgan's online banking operations—we find this production to be woefully deficient.

The document production deadline set by the Discovery Order—even as extended—passed months ago. Accordingly, we request a date certain when JPMorgan will complete its production of documents and things related to this case. Any further delay is not only in continued violation of the Court's orders, it is severely prejudicial to Eolas.

We request a written response to this correspondence by close of business on Wednesday. Should we not hear from you by then, or should you not provide a date certain before the end of the year for the completion of your document production, please be prepared to meet and confer so that we may seek formal relief from the Court.

Sincerely,



Josh Budwin

cc: David Crump dcrump@mwe.com
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