

Exhibit E

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December 17, 2010

VIA EMAIL

David O. Crump
McDermott Will & Emery LLP
600 13th Street, N.W.
Washington, D.C. 20005-3096

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.
Discovery Issues

Dear David:

Thank you for speaking with us today.

As discussed on today's call, we believe that JP Morgan has fallen well short of complying with its discovery obligations. We also discussed Eolas' contemplated motion to compel and/or motion for sanctions.

Per Dkt. 381, parties were required to make their source code available for inspection on September 1. JP Morgan has failed to comply with the Court's Order. Eolas provided JP Morgan with notice on November 30 that it planned to inspect JP Morgan's source code on December 13. The inspection was to occur at JP Morgan's facility in Columbus, OH—the location JP Morgan indicated the code would be made available. After Eolas made travel arrangements, on December 9, JP Morgan stated it would be unable to set up the inspection of source code on December 12. Eolas then worked with JP Morgan to reschedule the review of JP Morgan's source code in Houston, TX on December 20. On December 17 JPMorgan alerted Eolas that it would again not be able to provide the code for Eolas' review—stating that only 400 megabytes of “gateway” code, which by JP Morgan's own admission is not the code Eolas sought, would be available on December 20. JP Morgan further indicated that its source code would not be available for Eolas' inspection until January 14, 2011. This unreasonable delay in producing source code not only violates the Court's Order, but it also severely prejudices Eolas. Trial is less than a year away, and due to JP Morgan's tactics Eolas will not be able to review JP Morgan's source code prior to briefing claim construction issues to the Court.

We understand from our discussion today that the soonest JP Morgan will make its source code available is January 14, 2011. Eolas hereby requests inspection of JP Morgan's

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source code on January 14, 2011 at McDermott Will & Emery's Houston office. Please alert us immediately if JP Morgan's source code will be available for review sooner than that time.

In light of the source code discovery failures discussed herein, we discussed whether JP Morgan would reimburse all of Eolas' costs associated with source code review (including, but not limited to, travel, attorney expenses, expert expenses, etc.). Please let us know immediately if JP Morgan will so-agree, and if not, why.

Separately, per Dkt. 438, JP Morgan was required to complete their production of documents by October 22. Upon inspection, it is clear that JP Morgan's document production is woefully deficient, falling far short of its discovery obligations. As mentioned in Josh Budwin's letter of Monday, December 13, and follow-up email of December 15, JP Morgan has produced a total of 38 documents in this litigation. This number is strikingly small given the extent of the infringement allegations JP Morgan is facing. The deficiency in JP Morgan's production is underscored when one considers that Eolas' infringement contentions to JP Morgan in this case comprise 963 pages.

Since our discussion today, we are in receipt of the search terms you applied in your original production efforts. Despite the fact that attempts to arrive at agreed-upon search terms should have been made long before document production was due, we will evaluate these terms and separately respond with suggestions for terms to be applied in your upcoming supplemental document production efforts.

Today you also provided us with a list of the custodians JP Morgan searched for documents from. Again, despite the scope of our infringement allegations, JP Morgan only identified a handful of custodians. We find this number to be exceedingly small. Accordingly, we understand from our discussion today that you will broaden the custodians used to search for relevant documents in this case. The custodians to be searched will include, but will not be limited to, the employees in JP Morgan's Corporate Internet Group ("CIG") as well as other employees involved with the design, development, and maintenance of JP Morgan's accused websites. Additionally, JP Morgan employees who are involved with the decision to implement online banking features or who otherwise evaluate the costs and benefits of the CIG and JP Morgan's websites should have their files searched, whether or not they are in the CIG.

Finally, we understand from our discussion that JP Morgan will supplement its response to Eolas' Interrogatory No. 9 to All Defendants. We expect, per your representation today, to receive this supplemental response by Wednesday December 22. If you have any questions, please do not hesitate to contact me.

We are still evaluating our options, including whether or not a motion to compel and/or for sanctions is warranted.

Sincerely,

A handwritten signature in black ink that reads "Matt Rappaport". The signature is written in a cursive, slightly slanted style.

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