

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION

Eolas Technologies Incorporated,

Plaintiff,

vs.

Adobe Systems Inc.; Amazon.com, Inc.; Apple
Inc.; CDW Corp.; 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.; Sun Microsystems,
Inc.; Texas Instruments Inc.; Yahoo! Inc.; and
YouTube, LLC,

Defendants.

No. 6:09-cv-00446-LED (Filed Oct. 6, 2009)

**ORIGINAL PROSECUTION OF U.S.
PATENT NO. 7,989,985**

APPLICATION NO. 10/217,955

FILED: August 9, 2002

ISSUED: October 6, 2009

“985 PH”

Adobe Systems Inc.; Amazon.com, Inc.; Apple
Inc.; CDW LLC; 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. f/k/a Sun
Microsystems, Inc.; Texas Instruments Inc.;
Yahoo! Inc.; and YouTube, LLC,

Counterclaimants,

vs.

Eolas Technologies Incorporated,

Counterdefendant.

SHUBHAM MUKHERJEE declares:

1. I am an associate in the Chicago office of the law firm Sidley Austin LLP, counsel of record to Apple, Inc. I have personal knowledge of the facts stated in this declaration (unless stated otherwise) and, if called as a witness, I could and would testify competently to these facts under oath. As to those matters stated on information and belief, I am informed and believe them to be true and correct to the best of my knowledge.

2. On October 21, 2010, the Defendants to this litigation served to Eolas Technologies, Inc. a certified copy and a certification of the United States Patent and Trademark Office file wrapper corresponding to this prosecution. (*See* PH_001_0000000001 – PH_001_0000588348.) In view of the length of certain file wrappers associated with this litigation, and for the convenience of the parties, the Defendants to this litigation concurrently served copies of select file wrapper transactions for this prosecution in a separate bates range. (*See* PH_001_0000784195 – PH_001_0000784758.) The exhibits listed below are taken from this latter bates range.

3. The following is an index for the exhibits appended hereto:

Paper No.	Date	Description	Bates No.
985 PH Ex. 1	08/09/2002	Claims	PH_001_0000784198
985 PH Ex. 2	07/20/2004	Non-Final Rejection	PH_001_0000784201
985 PH Ex. 3	03/11/2005	Amendments	PH_001_0000784213
985 PH Ex. 4	03/11/2005	Declaration (Felten I)	PH_001_0000784245
985 PH Ex. 5	03/11/2005	Declaration (Felten II)	PH_001_0000784272
985 PH Ex. 6	03/11/2005	Terminal Disclaimer	PH_001_0000784283
985 PH Ex. 7	05/05/2005	Suspension of Prosecution	PH_001_0000784285
985 PH Ex. 8	01/18/2006	Suspension of Prosecution	PH_001_0000784294
985 PH Ex. 9	10/18/2006	Suspension of Prosecution	PH_001_0000784322
985 PH Ex. 10	08/13/2007	Suspension of Prosecution	PH_001_0000784530
985 PH Ex. 11	04/11/2008	Supplemental Amendment	PH_001_0000784568
985 PH Ex. 12	07/01/2008	Suspension of Prosecution	PH_001_0000784591
985 PH Ex. 13	11/13/2008	Request to Lift Suspension	PH_001_0000784594
985 PH Ex. 14	02/05/2009	Supplemental Amendment	PH_001_0000784613
985 PH Ex. 15	03/20/2009	Notice of Allowance	PH_001_0000784728
985 PH Ex. 16	04/06/2009	Comments on Reasons for Allowance	PH_001_0000784751
985 PH Ex. 17	08/31/2009	Corrected Notice of Allowability	PH_001_0000784753

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this declaration was executed in Chicago on February 4, 2011.

/s/ Shubham Mukherjee
SHUBHAM MUKHERJEE