

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)

**DIRECTOR INITIATED
REEXAMINATION OF U.S. PATENT
5,838,906**

REEXAMINATION NO. 90/006,831

REQUESTED: October 30, 2003

CERTIFICATE ISSUED: June 6, 2006

“831 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_0000779756 – PH_001_0000782282.) 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. (PH_001_0000784759 – PH_001_0000786088.) 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.
831 PH Ex. 1	10/22/2003	Requests for Reexam (Corporations)	PH_001_0000784762
831 PH Ex. 2	10/29/2003	Request for Reexam (W3C)	PH_001_0000784780
831 PH Ex. 3	10/30/2003	Director Initiated Order for Reexam	PH_001_0000784818
831 PH Ex. 4	02/26/2004	Non-Final Action	PH_001_0000785292
831 PH Ex. 5	04/22/2004	Interview Request Forms	PH_001_0000785311
831 PH Ex. 6	04/27/2004	Examiner Interview Summary	PH_001_0000785316
831 PH Ex. 7	05/11/2004	Remarks by Applicant	PH_001_0000785359
831 PH Ex. 8	05/11/2004	Applicant Interview Summary	PH_001_0000785380
831 PH Ex. 9	05/11/2004	Declaration of M. Doyle	PH_001_0000785423
831 PH Ex. 10	05/11/2004	Declaration (Felten)	PH_001_0000785437
831 PH Ex. 11	05/11/2004	Declaration (Krueger)	PH_001_0000785465
831 PH Ex. 12	08/16/2004	Non-Final Action	PH_001_0000785553
831 PH Ex. 13	10/12/2004	Declaration (Felten II)	PH_001_0000785577
831 PH Ex. 14	10/12/2004	Declaration (Felten I)	PH_001_0000785588
831 PH Ex. 15	10/12/2004	Declaration (Dolan)	PH_001_0000785617
831 PH Ex. 16	10/12/2004	Applicant Remarks	PH_001_0000785803
831 PH Ex. 17	08/18/2005	Applicant Presentation	PH_001_0000785866

Paper No.	Date	Description	Bates No.
831 PH Ex. 18	08/15/2005	Applicant Interview Summary	PH_001_0000785902
831 PH Ex. 19	09/27/2005	Notice of Intent to Issue Reexam Certificate	PH_001_0000785905
831 PH Ex. 20	01/20/2006	Notice of Intent to Issue a Supplemental Reexam Certificate	PH_001_0000785994
831 PH Ex. 21	01/20/2006	Examiner Interview Summary	PH_001_0000786077

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