

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)

**PATENT INTERFERENCE  
PROCEEDINGS OF U.S. PATENT  
5,838,906**

**INTERFERENCE NO. 105563**

**DECLARED: May 24, 2007**

**“563 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\_0000776911 – PH\_001\_0000779016). 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\_0000787425 – PH\_001\_0000787692.) The exhibits listed below are taken from this latter bates range.

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

<b>Paper No.</b>	<b>Date</b>	<b>Description</b>	<b>Bates No.</b>
563 PH Ex. 1	05/24/2007	New Decision on Appeal	PH_001_000787484
563 PH Ex. 2	07/03/2007	Annotation Copy of Claims	PH_001_000787570
563 PH Ex. 3	09/19/2007	Submission of Settlement Agreements	PH_001_000787683
563 PH Ex. 4	09/20/2007	Koppolu Request for Adverse Judgment	PH_001_000787686
563 PH Ex. 5	09/25/2007	Judgment	PH_001_000787690

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