

Exhibit B

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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

Counsel:

We are concerned about the state of the defendants' source code production in this case. As you are aware, the defendants were required to produce or make available for inspection source code for the accused products by September 1, 2010. *See* dkt. 381.

We have endeavored to set forth herein what we presently believe the state of the source code production is for each defendant. To the extent that our understanding is incorrect, please provide us with prompt clarification.

Additionally, we request that each defendant provide us with an index listing the source code that they have made (or will make) available for inspection. Eolas provided an index of this nature in its source code production letter dated August 12, 2010. Receiving an index listing the source code that each defendant has produced will allow us to ascertain, in advance of our in-person source code inspection, whether the code produced by each defendant is adequate.

Finally, even if the accused products for a given defendant comprise no more than websites, source code may still need to be produced. It is not necessarily true that the source code for websites is publically-available. For example, Eolas requires access to the source code for past versions of the accused websites during the damages period which precedes Eolas' filing of this case. Please see my letter of July 28, 2010 regarding representative products — this may help lessen the burden of producing past versions of the accused websites and/or updating your code production as changes and updates are made to the accused websites. As another example, for certain claims, our infringement contentions may reference activities which take place on the server. This server-side code needs to be produced. Moreover, to the extent that the client-facing website code has been compressed, obfuscated, had comments removed, etc., we still need the original, non-altered form of the source code for the website to be produced. If you are amenable to our proposal regarding representative products and/or you contend that the sum total of the source code for your accused websites is publicly-available in its original non-obfuscated, non-compressed, non-altered and with comments form, please provide us with written confirmation of this on an accused website by accused website basis.

Adobe: In letter correspondence dated August 25, 2010 identified "code for major releases of Flash Player 6 forward, Acrobat 6 forward, Director 10 forward (includes Shockwave), and code for the Adobe websites identified in the contentions" as being available for inspection. Thank you for this correspondence. On September 2, 2010, Eolas sent letter correspondence requesting clarification of the code Adobe has made available, including an index listing the code made available for inspection.

Amazon: Has produced no source code. Please provide a prompt identification of the source code Amazon will make available for inspection. Please pay careful attention to the source code for the accused Amazon web applications (e.g. search suggest, product previewer, related product slider, etc.).

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Apple: Correspondence dated August 25, 2010 stated “Apple’s source code will be available for inspection in Sidley’s Palo Alto office starting 9/1.” Thank you for your correspondence. On September 2, 2010, Eolas sent e-mail correspondence and requested that Apple provide an index identifying the source code it has made available for inspection.

Blockbuster: Has produced no source code. Please provide a prompt identification of the source code Blockbuster will make available for inspection.

CDW: Has produced no source code. Please provide a prompt identification of the source code CDW will make available for inspection. Please pay careful attention to the source code for the accused CDW web applications (e.g. AutoComplete, etc.).

CitiGroup: Has produced no source code. Please provide a prompt identification of the source code Citi will make available for inspection. Please pay careful attention to the source code for the accused Citi banking system.

eBay: Has produced no source code. Please provide a prompt identification of the source code eBay will make available for inspection. Please pay careful attention to the source code for the accused eBay web applications (e.g. AutoFill, etc.).

Frito-Lay/J.C. Penney/Rent-a-Center: Correspondence dated September 1, 2010 stated source code was available for inspection in Greenberg’s Dallas office. Thank you for your correspondence. Please provide us an index identifying the source code made available for inspection for each of Frito-Lay, J.C. Penney and Rent-a-Center.

The Go Daddy Group: Has produced no source code. Please provide a prompt identification of the source code GoDaddy will make available for inspection.

Google/YouTube: In letter correspondence dated September 2, 2010, Eolas requested that Google provide an index “listing all of the source code you have produced to us to-date, labeled as ‘open source’ and/or made available for inspection.” This same correspondence also requested that Google produce source code for the accused web applications (e.g. Google Search Suggest, Google Maps, Google Gmail, video.google.com, etc.) in their original non-obfuscated and non-compressed form.

J.P.Morgan: In letter correspondence dated September 2, 2010, stated that “JP Morgan will produce representative versions of the accused websites code in lieu of producing evidence of each and every change to its websites over the applicable time frame.” Thank you for correspondence. In email correspondence dated September 3, 2010, Eolas requested that J.P.Morgan “provide us with an index listing the source code that JPMorgan is making available for inspection.” We also reminded J.P.Morgan that Eolas’ infringement contentions extend to “JPMorgan’s banking systems, in addition to its websites.”

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New Frontier Media: In letter correspondence dated August 29, 2010 stated that “website source code is available for inspection” in Austin, Texas. Thank you for your correspondence. Please provide us an index identifying the source code made available for inspection.

Office Depot: Has produced no source code. Please provide a prompt identification of the source code Office Depot will make available for inspection. Please pay careful attention to the source code for the accused Office Depot web applications (e.g. search suggest, etc.).

Perot Systems: In letter correspondence dated September 1, 2010 stated that it “makes its source code available for inspection” in Dallas, Texas. Thank you for your correspondence. Please provide us an index identifying the source code made available for inspection.

Playboy Enterprises: In letter correspondence dated September 1, 2010 stated that “server-side source code” is available for inspection in Austin, Texas and that “client-side code” is available for access over the internet (with the Playboy-supplied password). Thank you for correspondence. Please provide us an index identifying the source code made available for inspection.

Staples: Has produced no source code. Please provide a prompt identification of the source code Staples will make available for inspection. Please pay careful attention to the source code for the accused Staples web applications (e.g. search suggest, etc.).

Oracle America (f/k/a Sun Microsystems): In letter correspondence dated September 1, 2010 provided an index listing the source code made available for inspection. Thank you for your correspondence. Does Oracle plan to make source code available for the accused websites? If so, can you please provide us with an index of that code as well?

Texas Instruments: Has produced no source code. Please provide a prompt identification of the source code Texas Instruments will make available for inspection.

Sincerely,



Josh Budwin

cc: All other counsel of record

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