

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)

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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.*  
\_\_\_\_\_

**JOINT MOTION TO SET TIME FOR PARTIES TO  
EXCHANGE EXPERT WITNESS REPORTS**

Plaintiff Eolas Technologies Inc. and Defendants 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., Oracle America, Inc. (fka Sun Microsystems, Inc.), Perot Systems Corp., Playboy Enterprises International, Inc., Rent-A-Center, Inc., Staples, Inc., Texas Instruments Inc., Yahoo! Inc. and YouTube, LLC respectfully move the Court to modify the Docket Control Order to set the deadline for the parties to exchange expert witness reports for which they bear the burden of proof to May 25, 2011 and rebuttal expert witness reports to June 14, 2011, and would show the Court as follows:

I.

Pursuant to the Docket Control Order, the current deadlines for the parties: (1) to exchange expert witness reports for which they bear the burden of proof is “21 Days After Court Issues Claim Construction Order or May 25, 2011, whichever is earlier” and (2) to exchange rebuttal expert witness reports is “42 Days After Court Issues Claim Construction Order or June 14, 2011, whichever is earlier” [Docket No. 249]. The parties now seek greater certainty concerning the due dates of expert witness reports for planning and logistical purposes. The parties have met and conferred and this Motion is made **jointly** and is **unopposed**. The parties are in agreement that the deadline for the exchange of expert witness reports for which they bear the burden of proof may be set to May 25, 2011, and the deadline for the exchange of rebuttal expert witness reports may be set to June 14, 2011.

II.

This Motion is not made for delay, and should not impact any other deadline applicable to this litigation.

### III.

Accordingly, the parties respectfully request that the Court grant this unopposed Motion and modify the Docket Control Order to set the deadline for the parties to exchange expert witness reports for which they bear the burden of proof to May 25, 2011, and rebuttal expert witness reports to June 14, 2011.

Dated: March 17, 2011

By: /s/ Mike McKool

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**SIGNATURE ATTESTATION**

I hereby certify that concurrence in the service of this document has been obtained from each of the other signatories shown above.

/s/ Teague I. Donahey  
Attorney for one of the Defendants

**CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on March 17, 2011.

                                  /s/ Teague I. Donahey                                    
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