IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS TYLER DIVISION

Eolas Technologies Incorporated,	§	
	§	
Plaintiff,	§	Civil Action No. 6:09-cv-446
	§	
	§	
vs.	§	
	§	
Adobe Systems Inc., Amazon.com, Inc.,	§	JURY TRIAL
Apple Inc., Blockbuster Inc., CDW Corp.,	§	
Citigroup Inc., eBay Inc., Frito-Lay, Inc.,	§	
The Go Daddy Group, Inc., Google Inc.,	§	
J.C. Penney Company, 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.	§	

EOLAS' UNOPPOSED MOTION FOR LEAVE TO SUPPLEMENT ITS P.R. 3-1 INFRINGEMENT CONTENTIONS WITH RESPECT TO AMAZON CLOUD PLAYER

I. INTRODUCTION

Eolas moves the Court for leave to supplement its P.R. 3-1 infringement contentions with respect to Amazon and its newly released Amazon Cloud Player as discussed herein. Amazon does not oppose this request. This request does not extend to any other defendants in this action. The parties agree to work together to adjust the discovery period if needed.

II. EOLAS' UNOPPOSED REQUEST FOR RELIEF

Eolas served its P.R. 3-1 infringement contentions against Amazon on March 5,
2010.

2. Since March 5, 2010, Amazon added new functionality to its accused products: namely the Amazon Cloud Player included in the infringement contentions attached as Exhibit A hereto. Prior to filing this Motion, Eolas provided a copy of the infringement contentions for Amazon's newly released Amazon Cloud Player to counsel for Amazon. Counsel for Amazon has indicated that it does not oppose Eolas' request for leave to supplement its infringement contentions for the '906 and '985 patents for Amazon Cloud Player. Eolas will re-serve such contentions on Amazon's counsel within three days of the date the Court grants this motion.

2

Dated: May 6, 2011.

MCKOOL SMITH, P.C.

/s/ Mike McKool Mike McKool Lead Attorney Texas State Bar No. 13732100 mmckool@mckoolsmith.com Douglas Cawley Texas State Bar No. 04035500 dcawley@mckoolsmith.com J.R. Johnson Texas State Bar No. 24070000 jjohnson@mckoolsmith.com MCKOOL SMITH, P.C. 300 Crescent Court, Suite 1500 Dallas, Texas 75201 Telephone: (214) 978-4000 Telecopier: (214) 978-4044

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CERTIFICATE OF CONFERENCE

Counsel for Eolas has conferred with counsel for Amazon regarding the relief requested in this Motion. Defendant is unopposed to the relief requested in this Motion.

> /s/ Josh Budwin Josh Budwin

CERTIFICATE OF SERVICE The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who have consented to electronic service. Local Rule CV-5(a)(3)(A) on May 6, 2011.

> /s/ Josh Budwin Josh Budwin