

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

1. 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.

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

Kevin L. Burgess

Texas State Bar No. 24006927

kburgess@mckoolsmith.com

John B. Campbell

Texas State Bar No. 24036314

spollinger@mckoolsmith.com

Josh W. Budwin

Texas State Bar No. 24050347

jbudwin@mckoolsmith.com

Matthew B. Rappaport

Texas State Bar No. 24070472

mrappaport@mckoolsmith.com

McKool Smith, P.C.

300 West Sixth Street, Suite 1700

Austin, Texas 78701

Telephone: (512) 692-8700

Telecopier: (512) 692-8744

**ATTORNEYS FOR PLAINTIFF
EOLAS TECHNOLOGIES, INC.**

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