

EXHIBIT 3

McKool Smith

A PROFESSIONAL CORPORATION • ATTORNEYS

300 West 6th Street

Suite 1700

Austin, Texas 78701

Matt Rappaport
Direct Dial: (512) 692-8754
mrappaport@mckoolsmith.com

Telephone: (512) 692-8700
Telecopier: (512) 692-8744

November 2, 2010

VIA EMAIL

Parker C. Ankrum
Weil, Gotshal & Manges LLP
201 Redwood Shores Parkway
Redwood Shores, CA 94065

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.
Amazon's Source Code Production

Dear Parker:

I write regarding Amazon's source code production in this case. Upon review of the source code Amazon has made available, Eolas notes deficiencies in Amazon's source code production herein. Eolas requests that Amazon address the issues below, making additional code available pursuant to Section 13(a) of the Protective Order.

1. Eolas has accused Amazon websites, including www.Amazon.com and www.windowshop.com. Please produce complete client- and server-side code for all versions of the accused websites as they existed throughout the damages period.

Upon review of the source code computer, Eolas identified four directories which contained source code for at least part of the website www.Amazon.com. However these directories were not identified by date or any other meaningful label. As such, Eolas is unable to ascertain what Amazon has produced in this regard. Please provide an index identifying the versions and/or dates of the website source code produced and indicating where such code is located on the source code review computer (e.g., by directory).

2. Eolas has accused the Amazon Auto Complete functionality. Eolas identified code that contained at least some source code pertaining to the Amazon Auto Complete functionality. No version or date information was provided to identify this code. Please produce complete code for all versions of Amazon Auto Complete client- and server-side code throughout the damages period. Please also provide an index identifying the versions and/or dates of the Auto Complete source code produced and indicating where such code is located on the source code review computer (e.g., by directory).

3. Eolas has accused the Amazon Checkout functionality. Eolas was unable to ascertain where, if at all, Amazon has made such source code available for inspection on its

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source code computer. Please produce complete code for all versions of Amazon Checkout functionality client- and server-side code throughout the damages period. Please also provide an index identifying the versions and/or dates of the Checkout functionality source code produced and indicating where such code is located on the source code review computer (e.g. by directory).

4. Eolas has accused the Amazon Product Slider functionality, also believed to be known as “shoveler.” Eolas identified code that contained at least some source code pertaining to the Amazon Product Slider functionality. No version or date information was provided to identify this code. Please produce complete code for all versions of Amazon Product Slider client- and server-side code throughout the damages period. Please also provide an index identifying the versions and/or dates of the Product Slider source code produced and indicating where such code is located on the source code review computer (e.g., by directory).

Per Josh Budwin’s correspondences of July 28 and September 3, Eolas remains amenable to Amazon’s identification of representative versions of code. Rather than producing all versions of source code for the accused products over the damages period — which began in October 2003 — if Amazon wishes to stipulate that produced versions of website source code are representative of the code as it existed over some or all of the damages period, please confirm this in writing. We remain available to discuss this further.

Thank you for your attention to these matters.

Sincerely,

A handwritten signature in black ink that reads "Matt Rappaport". The signature is written in a cursive, slightly slanted style.

Matt Rappaport

cc: Douglas E. Lumish Amazon-Eolas@weil.com
Matthew Powers
Jared B. Bobrow
Joseph H. Lee
Christian Hurt

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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.
eBay's Source Code Production

Dear Parker:

I write regarding eBay's source code production in this case. Upon review of the source code eBay has made available, Eolas notes deficiencies in eBay's source code production herein. Eolas requests that eBay address the issues below, making additional code available pursuant to Section 13(a) of the Protective Order.

1. Eolas has accused several of eBay's websites, including

- www.ebay.com
- neighborhoods.ebay.com
- success.ebay.com
- <http://antiques.shop.ebay.com>
- <http://www.ebaygreenteam.com/ns/buy-green.html>
- <http://givingworks.ebay.com>
- <http://art.shop.ebay.com>
- <http://baby.shop.ebay.com>
- <http://business.shop.ebay.com>
- <http://photography.shop.ebay.com>
- <http://www.motors.ebay.com>
- <http://cell-phones.ebay.com>
- <http://coins.ebay.com>
- <http://computers.ebay.com>
- <http://dolls.shop.ebay.com>
- <http://services.ebay.com>
- <http://video-games.ebay.com>

- <http://electronics.ebay.com>

Please produce complete client- and server-side code for all versions of these websites as they existed throughout the damages period. Please also provide an index identifying the versions and/or dates of the website source code produced and indicating where such code is located on the source code review computer (e.g., by directory).

2. Eolas has accused the eBay AutoFill functionality. Eolas has identified code for a single version of such functionality in eBay's production. However, Eolas is unable to ascertain the date and/or version information for this production. Please produce complete client- and server-side code for all versions of the eBay AutoFill functionality throughout the damages period. Please also provide an index identifying the versions and/or dates of the eBay AutoFill source code produced and indicating where such code is located on the source code review computer (e.g., by directory).

3. Eolas has accused the eBay Widgets functionality. Eolas has identified code for a single version of such functionality in eBay's production. However, Eolas is unable to ascertain the date and/or version information for this production. Please produce complete client- and server-side code for all versions of the eBay Widgets functionality throughout the damages period. Please also provide an index identifying the versions and/or dates of the eBay Widgets source code produced and indicating where such code is located on the source code review computer (e.g., by directory).

Per Josh Budwin's correspondences of July 28 and September 3, Eolas remains amenable to eBay's identification of representative versions of code. Rather producing all versions of source code for the accused products over the damages period — which began in October 2003 — if eBay wishes to stipulate that produced versions of website source code are representative of the code as it existed over some or all of the damages period, please confirm this in writing. We remain available to discuss this further.

Thank you for your attention to these matters.

Sincerely,

A handwritten signature in black ink that reads "Matt Rappaport". The signature is written in a cursive, slightly slanted style.

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