

EXHIBIT 5

Matt Rappaport

From: Ankrum, Parker [parker.ankrum@weil.com]
Sent: Friday, November 19, 2010 7:31 PM
To: Matt Rappaport
Cc: Eolas; Lumish, Douglas; Lee, Joseph; Hurt, Christian
Subject: Eolas Technologies, Inc. v. Adobe Systems Inc., et al.

Matt,

I write in response to your November 2, 2010 letter regarding alleged deficiencies in Amazon's source code production. At the outset, Amazon notes that it has already produced code for the accused features and functionalities identified in Eolas' March 5, 2010 infringement contentions months ago in May 2010. Amazon also made available for inspection all available versions of the source code used to implement the accused functionalities of the accused products in September 2010. This source code is now available for inspection in Weil's Redwood Shores office pursuant to the terms of the protective order.

We do not agree that additional code needs to be produced at this time. Contrary to your assertions, the complete source code (including code concerning features or functionality that are not accused of infringement) is not discoverable for each of the accused features and accused products. The code that Amazon has already produced includes all of the code for implementing the accused features and so sufficiently sets forth the design and operation of the accused features. Further, it is not apparent from Eolas' infringement contentions that Eolas has accused any Amazon Checkout functionality of infringing any of the asserted claims. Accordingly, there is nothing in the asserted claims or the Eolas' infringement contentions that requires analysis of additional source code beyond what Amazon has already made available. Rather, whether Amazon's products meet the limitations of those claims or not can be determined by inspecting the code that has been produced and/or made available for inspection, operating the products, and evaluating their functions relative to the claim language.

Further, we do not agree that Eolas is entitled to code beyond that Amazon has already made available for the accused functionalities or that Amazon should stipulate that code that has been produced is representative of any other versions of the code. In fact, as we previously stated, Amazon has endeavored to produce all versions of the relevant portions of its code for the accused products. This code can be located by date and is presently available for inspection. If you believe that any particular versions of the code are missing, please identify them.

Regards,

Parker C. Ankrum
Weil, Gotshal & Manges LLP
201 Redwood Shores Parkway
Redwood Shores, CA 94065
Direct: (650) 802-3215

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6/20/2011

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Matt,

I write in response to your November 2, 2010 letter regarding alleged deficiencies in eBay's source code production. At the outset, eBay notes that it has already produced code for the accused features and functionalities identified in Eolas' March 5, 2010 infringement contentions months ago in May 2010. eBay also made available for inspection all available versions of the source code used to implement the accused functionalities of the accused products in September 2010. This source code is now available for inspection in Weil's Redwood Shores office pursuant to the terms of the protective order.

We do not agree that additional code needs to be produced at this time. Contrary to your assertions, the complete source code (including code concerning features and functionality that are not accused of infringement) is not discoverable for each of the accused features and accused products. The code that eBay has already produced includes all of the code for implementing the accused features and so sufficiently sets forth the design and operation of the accused features. Accordingly, there is nothing in the asserted claims or the Eolas' infringement contentions that requires analysis of additional source code beyond what eBay has already made available. Rather, whether eBay's products meet the limitations of those claims or not can be determined by inspecting the code that has been produced and/or made available for inspection, operating the products, and evaluating their functions relative to the claim language.

Further, we do not agree that Eolas is entitled to code beyond that eBay has already made available for the accused functionalities or that eBay should stipulate that code that has been produced is representative of any other versions of the code. In fact, as we previously stated, eBay has endeavored to produce all versions of the relevant portions of its code for the accused products. This code can be located by date and is presently available for inspection. If you believe that any particular versions of the code are missing, please identify them.

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