

EXHIBIT 6

Matt Rappaport

From: Lee, Joseph [Joseph.Lee@weil.com]
Sent: Thursday, December 09, 2010 5:26 PM
To: Josh Budwin; Matt Rappaport; Ankrum, Parker
Cc: Eolas; Lumish, Douglas; Hurt, Christian
Subject: RE: Eolas Technologies, Inc. v. Adobe Systems Inc., et al.

Josh, we agree, with one edit, highlighted below.

eBay and Amazon: Both eBay and Amazon have produced and/or made available for inspection all versions of the source code that implement the functionality that you understand were accused of infringement in our infringement contentions, to the extent such code is within the present possession, custody or control of eBay or Amazon, subject to a reasonable and diligent search.

Yahoo: Yahoo has not produced all versions of the source code that implement the functionality that you understand were accused of infringement in our infringement contentions. Instead, Yahoo has produced different versions of the source code (typically a recent version of the code and an earlier version of the code, such as the version of the code that existed c. 2004/2005 or the earliest version of the code it was able to locate, whichever is later). For the non-produced versions of the source code, Yahoo agrees that: (1) Yahoo will not point to the absence of source code beyond what it has made or will make available for inspection to argue that Eolas has failed to meet its burden of proof on infringement for versions not produced; and (2) Yahoo agrees that infringement or noninfringement of the Yahoo accused products can be determined without reviewing any additional source code beyond what it has already produced or will produce prior to the close of fact discovery.



Joseph H. Lee
Associate

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From: Josh Budwin [mailto:jbudwin@McKoolSmith.com]
Sent: Thursday, December 09, 2010 3:16 PM
To: Lee, Joseph; Matt Rappaport; Ankrum, Parker
Cc: Eolas; Lumish, Douglas; Hurt, Christian
Subject: RE: Eolas Technologies, Inc. v. Adobe Systems Inc., et al.

Joe/Parker -

Please advise as to this by the end of the day tomorrow. I've been seeking your confirmation for a week now.

Thank you.

6/20/2011

From: Josh Budwin
Sent: Wednesday, December 08, 2010 9:05 AM
To: 'Lee, Joseph'; Matt Rappaport; 'Ankrum, Parker'
Cc: Eolas; 'Lumish, Douglas'; 'Hurt, Christian'
Subject: RE: Eolas Technologies, Inc. v. Adobe Systems Inc., et al.

Counsel --

Please advise as to your agreement with the statements below (note I corrected a few typos in my original email below).

From: Josh Budwin
Sent: Thursday, December 02, 2010 5:33 PM
To: 'Lee, Joseph'; Matt Rappaport; Ankrum, Parker
Cc: Eolas; Lumish, Douglas; Hurt, Christian
Subject: RE: Eolas Technologies, Inc. v. Adobe Systems Inc., et al.

Counsel -

As we discussed on today's call, our understanding of your source code production for each of your clients (eBay, Amazon and Yahoo), is set forth below. To the extent that my understanding is at all incorrect, please let me know. Otherwise, please reply to this email and confirm my understanding.

eBay and Amazon: Both eBay and Amazon have produced and/or made available for inspection all versions of the source code that implement the functionality that you understand were accused of infringement in our infringement contentions, to the extent such code is within the present possession, custody or control of eBay or Amazon, subject to a reasonable and diligent search.

Yahoo: Yahoo has not produced all versions of the source code that implement the functionality that you understand were accused of infringement in our infringement contentions. Instead, Yahoo has produced different versions of the source code (typically a recent version of the code and an earlier version of the code, such as the version of the code that existed c. 2004/2005 or the earliest version of the code it was able to locate, whichever is later). For the non-produced versions of the source code, Yahoo agrees that: (1) Yahoo will not point to the absence of source code beyond what it has made available for inspection to argue that Eolas has failed to meet its burden of proof on infringement for versions not produced; and (2) Yahoo agrees that infringement or noninfringement of the Yahoo accused products can be determined without reviewing any additional source code beyond what it has already produced or will produce prior to the close of fact discovery.

Thank you.

From: Lee, Joseph [mailto:Joseph.Lee@weil.com]
Sent: Thursday, December 02, 2010 5:07 PM
To: Josh Budwin; Matt Rappaport; Ankrum, Parker
Cc: Eolas; Lumish, Douglas; Hurt, Christian
Subject: RE: Eolas Technologies, Inc. v. Adobe Systems Inc., et al.

We're dialed in but on hold.



Joseph H. Lee
Associate

6/20/2011

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From: Josh Budwin [mailto:jbudwin@McKoolSmith.com]
Sent: Thursday, December 02, 2010 3:06 PM
To: Matt Rappaport; Ankrum, Parker
Cc: Eolas; Lumish, Douglas; Lee, Joseph; Hurt, Christian
Subject: RE: Eolas Technologies, Inc. v. Adobe Systems Inc., et al.

[My apologies -- Matt's the host for the call.](#)

From: Josh Budwin
Sent: Thursday, December 02, 2010 5:05 PM
To: Matt Rappaport; 'Ankrum, Parker'
Cc: Eolas; 'Lumish, Douglas'; 'Lee, Joseph'; 'Hurt, Christian'
Subject: RE: Eolas Technologies, Inc. v. Adobe Systems Inc., et al.

[Parker -](#)

[We are on the line. Do you plan to join soon?](#)

[Thank you.](#)

From: Matt Rappaport
Sent: Monday, November 29, 2010 5:33 PM
To: 'Ankrum, Parker'
Cc: Eolas; Lumish, Douglas; Lee, Joseph; Hurt, Christian
Subject: RE: Eolas Technologies, Inc. v. Adobe Systems Inc., et al.

[Thanks Parker,](#)

[We'll plan to speak at 3pm pacific / 5pm central Thursday. Dial in info below:](#)

Participant Passcode: 849875

US/CAN Toll Free: 1-800-591-2259

--Matt

From: Ankrum, Parker [mailto:parker.ankrum@weil.com]
Sent: Monday, November 29, 2010 5:13 PM
To: Matt Rappaport
Cc: Eolas; Lumish, Douglas; Lee, Joseph; Hurt, Christian
Subject: RE: Eolas Technologies, Inc. v. Adobe Systems Inc., et al.

[Matt,](#)

[We are available at 3 p.m. PST on Thursday and 10 a.m. PST on Friday.](#)

Regards,

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

From: Matt Rappaport [mailto:mrappaport@McKoolSmith.com]
Sent: Monday, November 29, 2010 2:50 PM
To: Ankrum, Parker
Cc: Eolas; Lumish, Douglas; Lee, Joseph; Hurt, Christian
Subject: RE: Eolas Technologies, Inc. v. Adobe Systems Inc., et al.

Parker,

As a prelude to a formal meet and confer we would like an informal call to fully understand your position on this issue for each of Amazon, eBay, and Yahoo. Eolas' position is that we are entitled to each defendant's source code over the entire damages period -- or alternatively that a defendant can stipulate that the source code they have provided is representative of the accused products over the damages period.

Please provide your availability on Wed, Thurs, and Friday of this week to discuss this matter.

Thank you,

Matt

From: Ankrum, Parker [mailto: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.

6/20/2011

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
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Redwood Shores, CA 94065
Direct: (650) 802-3215

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