

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

**Eolas Technologies Incorporated,**

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**Plaintiff,**

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**Civil Action No. 6:09-cv-446**

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**vs.**

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**Adobe Systems Inc., Amazon.com, Inc.,  
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., New Frontier  
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**

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**JURY TRIAL**

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**Defendants.**

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**JOINT NOTICE BY EOLAS AND ADOBE WITH RESPECT TO EOLAS’ MOTION  
TO COMPEL CERTAIN DISCOVERY FROM ADOBE**

Pursuant to the Court’s Order (dkt. 743), Plaintiff Eolas Technologies Incorporated (“Eolas”) and Defendant Adobe Systems, Inc. (“Adobe”) hereby provide notice to the Court of an agreement reached between Eolas, Adobe and counsel for Intellectual Ventures (“IV”) with respect to Eolas’ Motion to Compel Certain Discovery from Adobe (dkt. 712).

The Agreement set forth herein resolves Eolas’ motion, without prejudice to any party’s ability to seek further discovery related to IV or any IV related entity or fund or the documents produced under this Agreement, and without prejudice to any party’s ability to object to any such discovery or to any use of the discovery materials produced under this Agreement.

Pursuant to this Agreement, Adobe will produce on or before July 15, 2011 four specific documents: 1) INVENTION INVESTMENT FUND II, LLC ELECTION MEMBER (WITH IIF 1 LICENSE) SUBSCRIPTION AGREEMENT (“Subscription Agreement”); 2) Patent License Agreement with Invention Investment Fund II; 3) Patent License with IPLS as authorized licensing agent of Invention Investment Fund I LLC; and 4) Letter dated June 13, 2008 modifying Operating Agreement of Invention Investment Fund II, LLC.

This Agreement does not require production of the following documents that Eolas sought to compel Adobe to produce: A) the Operating Agreement for Invention Investment Fund II; B) any other documents described in Eolas’ motion related to Intellectual Ventures or any fund or entity related to Intellectual Ventures; C) any “Elections” as previously described in Eolas’ motion; and D) any list, document or information disclosing specific patents by number or title as described in Eolas’ motion.

Eolas and Adobe agree that the documents to be produced as enumerated in points 1-4 above, should be designated as “Highly Confidential -- Attorney Eyes Only” under the Protective Order entered in this case.

Eolas agrees to withdraw its Motion to Compel (dkt. 712) and agrees to withdraw its Rule 30(b)(6) deposition notice related to IV.

**MCKOOL SMITH, P.C.**

/s/ Mike McKool

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**ATTORNEYS FOR DEFENDANT,  
ADOBE SYSTEMS INCORPORATED**

**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 July 8, 2011.

/s/ Josh Budwin

Josh Budwin