

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION

_____)
 Eolas Technologies Incorporated,)
)
 Plaintiff,)
)
 vs.)
)
 Adobe Systems Inc.; Amazon.com, Inc.; Apple)
 Inc.; CDW Corp.; Citigroup Inc.; eBay Inc.;)
 Frito-Lay, Inc.; The Go Daddy Group, Inc.;)
 Google Inc.; J.C. Penney Corporation, Inc.;)
 Office Depot, Inc.; Staples, Inc.; Yahoo! Inc.;)
 and YouTube, LLC,)
 Defendants.)
 _____)

No. 6:09-cv-00446-LED (filed Oct. 6, 2009)

_____)
 Adobe Systems Inc.; Amazon.com, Inc.; Apple)
 Inc.; CDW LLC; eBay Inc.; Frito-Lay, Inc.; The)
 Go Daddy Group, Inc.; Google Inc.; J.C. Penney)
 Corporation, Inc.; Office Depot, Inc.; Staples,)
 Inc.; Yahoo! Inc.; and YouTube, LLC,)
 Counterclaimants,)
)
 vs.)
)
 Eolas Technologies Incorporated,)
 Counterdefendant.)
 _____)

JOINT UNOPPOSED MOTION TO EXTEND DEADLINES FOR EXPERT REPORTS

This Motion is made jointly and is unopposed. In response to the Court’s Order on June 30, 2011 [Docket No. 743], the parties have met and conferred about the deadlines for expert reports. On July 8, 2011, the Court entered the parties’ interim agreement on expert report deadlines [Docket No. 759]. On July 9, 2011, the parties conducted a further meet and confer and propose modifying the deadlines for expert reports at set forth below:

<u>Event</u>	<u>Existing Deadline</u>	<u>New Deadline Requested by this Motion</u>
Parties with burden of proof designate expert witnesses on non-damages issues.	July 18, 2011 [Docket No. 759]	Monday, July 18, 2011
Eolas designates expert witness(es) on damages issues.	July 18, 2011 [Docket No. 759]	Monday, July 25, 2011
Parties designate rebuttal expert witnesses on non-damages issues.	July 29, 2011 [Docket No. 759]	Monday, Aug. 15, 2011
Defendants designate rebuttal expert witness(es) on damages issues.	July 29, 2011 [Docket No. 759]	Monday, August 22, 2011

The parties further agree that they shall be afforded a reasonable opportunity to supplement their expert reports within a reasonable time after the Court issues a claim construction order, to the extent necessitated by that order, and/or for good cause in light of discovery received subsequent to the deadline for the applicable expert report.

The parties further agree that they shall be afforded a reasonable opportunity to depose expert witnesses within a reasonable time about their expert reports, notwithstanding the close of discovery on August 12, 2011.

This motion is not made for delay, and should not impact any other deadline applicable to this litigation. Accordingly, the parties respectfully move the Court for an Order setting the deadlines provided above.

DATED: July 12, 2011

By: /s/ Mike McKool

Mike McKool (Bar No. 13732100)
mmckool@mckoolsmith.com
Douglas Cawley (Bar No. 04035500)
dcawley@mckoolsmith.com
Rosemary T. Snider (Bar No. 18796500)
rsnider@mckoolsmith.com
McKool Smith, P.C.
300 Crescent Court, Suite 1500
Dallas, TX 75201
Telephone: (214) 978-4000
Facsimile: (214) 978-4044

Sam F. Baxter (Bar No. 01938000)
sbaxter@mckoolsmith.com
McKool Smith, P.C.
104 E. Houston St., Ste. 300
P.O. Box O
Marshall, TX 75670
Telephone: (903) 923-9000
Facsimile: (903) 923-9099

Kevin L. Burgess (Bar No. 24006927)
kburgess@mckoolsmith.com
John B. Campbell (Bar No. 24036314)
jcampbell@mckoolsmith.com
Josh W. Budwin (Bar No. 24050347)
jbudwin@mckoolsmith.com
Gretchen K. Harting (Bar No. 24055979)
gharting@mckoolsmith.com
Matt Rappaport (Bar No. 24070472)
mrappaport@mckoolsmith.com
McKool Smith, P.C.
300 West Sixth Street, Suite 1700
Austin, TX 78701
Telephone: (512) 692-8700
Facsimile: (512) 692-8744

*Attorneys for Plaintiff and
Counterdefendant Eolas Technologies, Inc.*

By: /s/ Jason W. Wolff

David J. Healey
Healey@fr.com
FISH & RICHARDSON P.C.
1 Houston Center
1221 McKinney Street, Suite 2800
Houston, TX 77010
Telephone: (713) 654-5300
Facsimile: (713) 652-0109

OF COUNSEL:

Frank E. Scherkenbach (*pro hac vice*)
Scherkenbach@fr.com
FISH & RICHARDSON P.C.
One Marina Park Drive
Boston, MA 02110-1878
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

Jason W. Wolff
Wolff@fr.com
FISH & RICHARDSON P.C.
12390 El Camino Real
San Diego, CA 92130
Telephone: (858) 678-5070
Facsimile: (858) 678-5099

*Attorneys for Defendant and
Counterclaimant Adobe Systems Inc.*

By: /s/ Edward Reines

Edward Reines
edward.reines@weil.com
Sonal N. Mehta
sonal.mehta@weil.com
Andrew Perito
andrew.perito@weil.com
Aaron Y. Huang
aaron.huang@weil.com
WEIL, GOTSHAL & MANGES LLP
201 Redwood Shores Parkway
Redwood Shores, CA 94065
Telephone: (650) 802-3000
Facsimile: (650) 802-3100

Jennifer H. Doan (Bar No. 08809050)
jdoan@haltomdoan.com
Joshua R. Thane (Bar No. 24060713)
jthane@haltomdoan.com
HALTOM & DOAN
Crown Executive Center, Suite 100
6500 Summerhill Road
Texarkana, TX 75503
Telephone: (903) 255-1000
Facsimile: (903) 255-0800

Otis W. Carroll, Jr. (Bar No. 03895700)
fedserv@icklkw.com
Deborah J. Race (Bar No. 16448700)
drace@icklkw.com
IRELAND CARROLL & KELLEY
6101 S. Broadway, Suite 500
Tyler, TX 75703
Telephone: (903) 561-1600
Facsimile: (903) 581-1071

*Attorneys for Defendant and
Counterclaimant Amazon.com, Inc.*

By: /s/ Richard A. Cederoth

David T. Pritikin (*pro hac vice*)
dpritikin@sidley.com
Richard A. Cederoth (*pro hac vice*)
rcederoth@sidley.com
Shubham Mukherjee (*pro hac vice*)
smukherjee@sidley.com
SIDLEY AUSTIN LLP
One South Dearborn Street
Chicago, IL 60603
Telephone: (312) 853-7000
Facsimile: (312) 853-7036

Teague I. Donahey (*pro hac vice*)
tdonahey@sidley.com
SIDLEY AUSTIN LLP
555 California Street, Suite 2000
San Francisco, CA 94104
Telephone: (415) 772-1200
Facsimile: (415) 772-7400

Sandra S. Fujiyama (*pro hac vice*)
sfujiyama@sidley.com
Theodore W. Chandler (*pro hac vice*)
tchandler@sidley.com
SIDLEY AUSTIN LLP
555 West Fifth Street, Suite 4000
Los Angeles, CA 90013
Telephone: (213) 896-6000
Facsimile: (213) 896-6600

Bryan K. Anderson (*pro hac vice*)
bkanderson@sidley.com
Aaron R. Bleharski (*pro hac vice*)
ableharski@sidley.com
Duy D. Nguyen (*pro hac vice*)
ddnguyen@sidley.com
SIDLEY AUSTIN LLP
1001 Page Mill Road, Building 1
Palo Alto, CA 94304
Telephone: (650) 565-7000
Facsimile: (650) 565-7100

Eric M. Albritton (Bar No. 00790215)
ema@emafirm.com
ALBRITTON LAW FIRM
P.O. Box 2649
Longview, TX 75606
Telephone: (903) 757-8449
Facsimile: (903) 758-7397

*Attorneys for Defendant and
Counterclaimant Apple Inc.*

By: /s/ Thomas L. Duston

Thomas L. Duston
tduston@marshallip.com
Anthony S. Gabrielson
agabrielson@marshallip.com
Scott A. Sanderson (*pro hac vice*)
ssanderson@marshallip.com
MARSHALL, GERSTEIN & BORUN LLP
6300 Willis Tower
233 South Wacker Drive
Chicago, IL 60606-6357
Telephone: (312) 474-6300
Facsimile: (312) 474-0448

Eric H. Findlay (Bar No. 00789886)
efindlay@findlaycraft.com
Brian Craft (Bar No. 04972020)
bcraft@findlaycraft.com
FINDLAY CRAFT, LLP
6760 Old Jacksonville Highway
Suite 101
Tyler, TX 75703
Telephone: (903) 534-1100
Facsimile: (903) 534-1137

*Attorneys for Defendant and
Counterclaimant CDW LLC*

By: /s/ M. Scott Fuller

Edwin R. DeYoung (Bar No. 05673000)

edeyoung@lockelord.com

Roy W. Hardin (Bar No. 08968300)

rhardin@lockelord.com

Roger Brian Cowie (Bar No. 00783886)

rcowie@lockelord.com

M. Scott Fuller (Bar No. 24036607)

sfuller@lockelord.com

Galyn Gafford (Bar No. 24040938)

ggafford@lockelord.com

LOCKE LORD BISSELL & LIDDELL LLP

2200 Ross Avenue, Suite 2200

Dallas, TX 75201-6776

Telephone: (214) 740-8000

Facsimile: (214) 740-8800

Attorneys for Defendant Citigroup Inc.

By: /s/ Edward Reines

Edward Reines
edward.reines@weil.com
Sonal N. Mehta
sonal.mehta@weil.com
Andrew Perito
andrew.perito@weil.com
Aaron Y. Huang
aaron.huang@weil.com
WEIL, GOTSHAL & MANGES LLP
201 Redwood Shores Parkway
Redwood Shores, CA 94065
Telephone: (650) 802-3000
Facsimile: (650) 802-3100

Jennifer H. Doan (Bar No. 08809050)
jdoan@haltomdoan.com
Joshua R. Thane (Bar No. 24060713)
jthane@haltomdoan.com
HALTOM & DOAN
Crown Executive Center, Suite 100
6500 Summerhill Road
Texarkana, TX 75503
Telephone: (903) 255-1000
Facsimile: (903) 255-0800

Otis W. Carroll, Jr. (Bar No. 03895700)
fedserv@icklaw.com
Deborah J. Race (Bar No. 16448700)
drace@icklaw.com
IRELAND CARROLL & KELLEY
6101 S. Broadway, Suite 500
Tyler, TX 75703
Telephone: (903) 561-1600
Facsimile: (903) 581-1071

*Attorneys for Defendant and
Counterclaimant eBay Inc.*

By: /s/ Jeffrey F. Yee

Jeffrey K. Joyner (*pro hac vice*)
joynerj@gtlaw.com
Jeffrey F. Yee (*pro hac vice*)
yeej@gtlaw.com
GREENBERG TRAURIG LLP
2450 Colorado Avenue, Suite 400E
Santa Monica, CA 90404
Telephone: (310) 586-7700
Facsimile: (310) 586-7800

*Attorneys for Defendant and
Counterclaimant Frito-Lay, Inc.*

By: /s/ Neil J. McNabney

Thomas M. Melsheimer (Bar No. 13922550)
txm@fr.com
Neil J. McNabney (Bar No. 24002583)
njm@fr.com
Carl E. Bruce (Bar No. 24036278)
ceb@fr.com
FISH & RICHARDSON P.C.
1717 Main Street, Suite 5000
Dallas, TX 75201
Telephone: (214) 747-5070
Facsimile: (214) 747-2091

Proshanto Mukherji (*pro hac vice*)
pvm@fr.com
FISH & RICHARDSON P.C.
One Marina Park Drive
Boston, MA 02110-1878
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

*Attorneys for Defendant and
Counterclaimant The Go Daddy Group, Inc.*

By: /s/ Sasha G. Rao

James R. Batchelder (*pro hac vice*)
James.Batchelder@ropesgray.com
Sasha G. Rao (*pro hac vice*)
Sasha.Rao@ropesgray.com
Mark D. Rowland
Mark.Rowland@ropesgray.com
Brandon H. Stroy (*pro hac vice*)
Brandon.Stroy@ropesgray.com
Rebecca R. Wight (*pro hac vice*)
Rebecca.Wight@ropesgray.com
Han Xu (*pro hac vice*)
Han.Xu@ropesgray.com
ROPES & GRAY LLP
1900 University Avenue, 6th Floor
Palo Alto, CA 94303-2284
Telephone: (650) 617-4000
Facsimile: (650) 566-4144

Michael E. Jones (Bar No. 10929400)
mikejones@potterminton.com
Allen F. Gardner (Bar No. 24043679)
allengardner@potterminton.com
POTTER MINTON
A Professional Corporation
110 N. College, Suite 500
Tyler, TX 75702
Telephone: (903) 597-8311
Facsimile: (903) 593-0846

*Attorneys for Defendant and
Counterclaimant Google Inc.*

By: /s/ Christopher M. Joe

Christopher M. Joe (Bar No. 00787770)

chris.joe@bjciplaw.com

Brian Carpenter (Bar No. 03840600)

brian.carpenterb@bjciplaw.com

Eric W. Buether (Bar No. 03316880)

eric.buethere@bjciplaw.com

BUETHER JOE & CARPENTER, LLC

1700 Pacific, Suite 2390

Dallas, TX 75201

Telephone: (214) 466-1270

Facsimile: (214) 635-1842

*Attorneys for Defendant and
Counterclaimant J.C. Penney Corporation,
Inc.*

By: /s/ Kate Hutchins

Mark G. Matuschak (*pro hac vice*)
mark.matuschak@wilmerhale.com
Donald R. Steinberg (*pro hac vice*)
donald.steinberg@wilmerhale.com
WILMER CUTLER PICKERING HALE AND
DORR LLP
60 State Street
Boston, MA 02109
Telephone: (617) 526-6000
Facsimile: (617) 526-5000

Kate Hutchins (*pro hac vice*)
kate.hutchins@wilmerhale.com
WILMER CUTLER PICKERING HALE AND
DORR LLP
399 Park Avenue
New York, NY 10011
Telephone: (212) 230-8800
Facsimile: (212) 230-8888

Daniel V. Williams, (*pro hac vice*)
daniel.williams@wilmerhale.com
WILMER CUTLER PICKERING HALE AND
DORR LLP
1875 Pennsylvania Avenue NW
Washington, DC 20006
Telephone: (202) 663-6000
Facsimile: (202) 663-6363

Michael E. Richardson (Bar No. 24002838)
mrichardson@brsfirm.com
BECK REDDEN & SECREST
1221 McKinney, Suite 4500
Houston, TX 77010
Telephone: (713) 951-6284
Facsimile: (713) 951-3720

*Attorneys for Defendant and
Counterclaimant Staples, Inc.*

By: /s/ Edward Reines

Edward Reines
edward.reines@weil.com
Sonal N. Mehta
sonal.mehta@weil.com
Andrew Perito
andrew.perito@weil.com
Aaron Y. Huang
aaron.huang@weil.com
WEIL, GOTSHAL & MANGES LLP
201 Redwood Shores Parkway
Redwood Shores, CA 94065
Telephone: (650) 802-3000
Facsimile: (650) 802-3100

Jennifer H. Doan (Bar No. 08809050)
jdoan@haltomdoan.com
Joshua R. Thane (Bar No. 24060713)
jthane@haltomdoan.com
HALTOM & DOAN
Crown Executive Center, Suite 100
6500 Summerhill Road
Texarkana, TX 75503
Telephone: (903) 255-1000
Facsimile: (903) 255-0800

Otis W. Carroll, Jr. (Bar No. 03895700)
fedserv@icklaw.com
Deborah J. Race (Bar No. 16448700)
drace@icklaw.com
IRELAND CARROLL & KELLEY
6101 S. Broadway, Suite 500
Tyler, TX 75703
Telephone: (903) 561-1600
Facsimile: (903) 581-1071

*Attorneys for Defendant and
Counterclaimant Yahoo! Inc.*

By: /s/ Sasha G. Rao

Robert J. Goldman (*pro hac vice*)
Robert.Goldman@ropesgray.com
Sasha G. Rao (*pro hac vice*)
Sasha.Rao@ropesgray.com
Mark D. Rowland
Mark.Rowland@ropesgray.com
Brandon H. Stroy (*pro hac vice*)
Brandon.Stroy@ropesgray.com
Rebecca R. Wight (*pro hac vice*)
Rebecca.Wight@ropesgray.com
Han Xu (*pro hac vice*)
Han.Xu@ropesgray.com
ROPES & GRAY LLP
1900 University Avenue, 6th Floor
Palo Alto, CA 94303-2284
Telephone: (650) 617-4000
Facsimile: (650) 566-4144

Michael E. Jones (Bar No. 10929400)
mikejones@potterminton.com
Allen F. Gardner (Bar No. 24043679)
allengardner@potterminton.com
POTTER MINTON
A Professional Corporation
110 N. College, Suite 500
Tyler, TX 75702
Telephone: (903) 597-8311
Facsimile: (903) 593-0846

*Attorneys for Defendant and
Counterclaimant YouTube, LLC*

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on July 12, 2011.

/s/ Josh W. Budwin