

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  
ON DAMAGES ISSUES AS BETWEEN EOLAS, AMAZON.COM AND YAHOO!**

This Motion is made jointly and is unopposed. On July 13, 2011, the Court entered the parties' agreement on expert report deadlines [Docket No. 768]. Subsequently, Eolas, Amazon.com, and Yahoo! discussed modifying the deadlines for expert reports exchanged between Eolas, Amazon.com and Yahoo! on damages issues. The parties propose modifying the deadlines for expert reports exchanged between Eolas, Amazon.com and Yahoo! on damages issues as set forth below:

| <b><u>Event</u></b>  | <b><u>Existing Deadline</u></b>     | <b><u>New Deadline Requested by this Motion</u></b>                              |
|--|-------------------------------------|--|
| Parties with burden of proof designate expert witnesses on damages issues. | July 25, 2011<br>[Docket No. 768]   | Friday, July 29, 2011<br>(Eolas' submissions to Amazon.com and Yahoo! only)      |
| Parties designate rebuttal expert witnesses on damages issues.             | August 22, 2011<br>[Docket No. 768] | Friday, August 26, 2011<br>(Amazon.com's and Yahoo!'s submissions to Eolas only) |

This motion is not made for delay, and should not impact any other deadline applicable to this litigation, including the trial setting. Specifically, this motion does not seek to modify the dates for any parties' submission of expert reports on damages issues other than between Eolas, Amazon.com and Yahoo!. Accordingly, the parties respectfully move the Court for an Order setting the deadlines provided above.

DATED: July 22, 2011

By: /s/ Mike McKool

Mike McKool (Bar No. 13732100)  
<[mmckool@mckoolsmith.com](mailto:mmckool@mckoolsmith.com)>  
Douglas Cawley (Bar No. 04035500)  
<[dcawley@mckoolsmith.com](mailto:dcawley@mckoolsmith.com)>  
Rosemary T. Snider (Bar No. 18796500)  
<[rsnider@mckoolsmith.com](mailto:rsnider@mckoolsmith.com)>  
J.R. Johnson (Bar No. 24070000)  
jjohnson@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](mailto: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](mailto:kburgess@mckoolsmith.com)>  
John B. Campbell (Bar No. 24036314)  
<[jbcampbell@mckoolsmith.com](mailto:jbcampbell@mckoolsmith.com)>  
Josh W. Budwin (Bar No. 24050347)  
<[jbudwin@mckoolsmith.com](mailto:jbudwin@mckoolsmith.com)>  
Matt Rappaport (Bar No. 24070472)  
[mrappaport@mckoolsmith.com](mailto:mrappaport@mckoolsmith.com)  
Lindsay K. Martin (Bar No. 24049544)  
lmartin@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/ Edward Reines

Edward Reines  
<[Edward.reines@weil.com](mailto:Edward.reines@weil.com)>  
Sonal N. Mehta  
<[sonal.mehta@weil.com](mailto:sonal.mehta@weil.com)>  
Andrew L. Perito  
Andrew.perito@weil.com  
M. Scott Fuller (Bar No. 24036607)  
WEIL, GOTSHAL & MANGES LLP  
201 Redwood Shores Parkway  
Redwood Shores, CA 94065  
Telephone: (650) 802-3000  
Facsimile: (650) 802-3100

Jennifer H. Doan  
jdoan@haltomdoan.com  
Joshua R. Thane  
jthane@haltomdoan.com  
HALTOM & DOAN  
6500 Summerhill Road, Suite 100  
Texarkana, TX 75503  
Telephone: (903) 255-1000  
Facsimile: (903) 255-0800

*Attorneys for Defendants and  
Counterclaimants Amazon.com, Inc. and  
Yahoo! Inc.*

**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 22, 2011.

/s/ J.R. Johnson\_\_\_\_\_