

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

| | | |
|---|---|--|
| <p>EOLAS TECHNOLOGIES INCORPORATED,</p> <p style="text-align: center;"><i>Plaintiff,</i></p> <p style="text-align: center;">vs.</p> <p>ADOBE SYSTEMS INCORPORATED, et al.</p> <p style="text-align: center;"><i>Defendants.</i></p> | § § § § § § § § § § § | <p>Civil Action No. 6:09-cv-00446-LED</p> <p>Jury Trial Demanded</p> |
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**J.C. PENNEY CORPORATION, INC.’S
UNOPPOSED MOTION TO REDACT TRANSCRIPT**

Defendant J.C. Penney Corporation, Inc. (“JCP”) hereby moves this Court for an order redacting of the transcript of the motion hearing dated June 29, 2011, reported by Ms. Shea Sloan, the court reporter. *See* Dkt No. 762.

On June 29, 2011, the parties appeared before the Honorable Judge Davis regarding, *inter alia*, a motion to compel discovery. JCP requests redaction of certain portions of the transcript of that hearing, because they contain confidential internal business information of JCP which were designated of “CONFIDENTIAL – ATTORNEYS’ EYES ONLY” as defined in the Court’s Protective Order of September 28, 2010, and which were filed with the Court under seal with briefing related to the motion to compel.

The portions highlighted for redaction refer to, the terms of its agreement with outside web analytics vendor Coremetrics, the types of information maintained by Coremetrics for JCP, and JCP’s internal use of that web analytics data. The information falls under product development information, financial data, sales information, and other non-public information of

competitive and business sensitivity as defined by the Protective Order. All written motions leading to this hearing were filed under seal.

In particular, JCP request that the following line/page designations of the transcript on file be redacted:

| Starting Page/Line | Ending Page/Line |
|---------------------------|-------------------------|
| 16/3 | 16/8 |
| 17/5 | 17/20 |
| 23/2 | 24/22 |
| 25/18 | 25/21 |
| 26/8 | 26/19 |
| 27/19 | 27/20 |
| 30/4 | 30/21 |
| 31/1 | 31/10 |
| 31/17 | 32/6 |

WHEREFORE, JCP requests this Court to grant the Motion to Redact.

Dated: July 26, 2011

BUETHER JOE & CARPENTER, LLC

By: /s/ Christopher M. Joe

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**ATTORNEYS FOR DEFENDANT
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CERTIFICATE OF SERVICE

The undersigned hereby certifies 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) on this 26th day of July 2011. Any other counsel of record will be served by facsimile transmission and first class mail.

/s/ Christopher M. Joe _____

Christopher M. Joe

CERTIFICATE OF CONFERENCE

I conferred with John Campbell on July 26, 2011, and he indicated that Eolas was not opposed to this Motion to Redact the Motion Hearing Transcript dated June 29, 2011.

/s/ Christopher M. Joe _____

Christopher M. Joe