

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

EOLAS TECHNOLOGIES, INC.

*Plaintiff,*

v.

ADOBE SYSTEMS, INC., ET AL.,

*Defendants.*

Civil Action No. 6:09-CV-446 LED

JURY TRIAL DEMANDED

**DEFENDANTS' UNOPPOSED MOTION FOR EXTENSIONS OF TIME TO FILE  
AND RESPOND TO CERTAIN MOTIONS**

Defendants Adobe Systems, Inc., Amazon.com, Inc., CDW LLC, Citigroup Inc., eBay Inc., The Go Daddy Group, Inc., Google Inc., J.C. Penney Corp., Inc., Staples, Inc., Yahoo! Inc., and YouTube, LLC (collectively "Defendants") respectfully file the below unopposed motion to extend the deadlines set forth below, and would show the Court as follows:

**I.**

Pursuant to the Docket Control Order entered by the Court on April 9, 2010 [Dkt. 249] and the Court's Order Granting Extension of Time to Meet Certain Deadlines [Dkt. 670], Defendants have been working diligently towards the submission of dispositive motions. In light of the substantial amount of discovery currently underway, the fact that initial expert reports were served only in the second half of July 2011, and the lack of a claim-construction order in this case, Defendants request (and Eolas does not oppose) an extension of time for filing of, and response to, dispositive motions in this matter. In addition, in light of the facts set

forth above, the fact that the Court has extended the time for defendants Google Inc. and YouTube, LLC to file *Daubert* motions related to Eolas's damages expert report in this matter [Docket No. 786], and for the avoidance of duplicative *Daubert* motions or portions thereof, Defendants request (and Eolas does not oppose) an extension of time for filing of *Daubert* motions in this matter so that all *Daubert* motions are due on the same day.

The parties have met and conferred and this Motion is **unopposed**. The parties respectfully request that the Court extend the deadlines set forth below as indicated:

Event	Existing Deadline	New Deadline
Dispositive Motions due from all parties	August 5, 2011 [Docket No. 670]	August 15, 2011
Responses due to Dispositive Motions that are filed on the Dispositive Motion Deadline	August 19, 2011	September 2, 2011
<i>Daubert</i> Motions due	August 5, 2011 (all except <i>Daubert</i> motions related to Eolas's damages expert report from Google and Youtube) [Docket No. 670]  August 19, 2011 ( <i>Daubert</i> motions related to Eolas's damages expert report from Google and Youtube) [Docket No. 786]	August 19, 2011

## II.

This motion is not made for delay, but in order that justice may be done, and should not impact any other deadline applicable to this litigation.

**III.**

Accordingly, Defendants respectfully move the Court for an Order setting the deadlines provided above.

DATED: August 2, 2011

Respectfully submitted,

/s/ Proshanto Mukherji

David J. Healey  
Fish & Richardson PC  
1221 McKinney Street, Suite 2888  
Houston, TX 77010  
713.652.0115  
healey@fr.com

Jason W. Wolff  
Fish & Richardson  
12390 El Camino Real  
San Diego, CA 92130  
858.678.4705  
wolff@fr.com

Frank E. Scherkenbach  
Proshanto Mukherji  
Fish & Richardson  
225 Franklin Street  
Boston, MA 02110  
617.542.5070  
scherkenbach@fr.com  
mukherji@fr.com

Attorneys for Defendant  
ADOBE SYSTEMS  
INCORPORATED

/s/ Jennifer H. Doan

Jennifer H. Doan  
Joshua R. Thane  
Haltom & Doan  
6500 Summerhill Road, Suite 100  
Texarkana, TX 75503  
903.255.1000  
jdoan@haltomdoan.com  
jthane@haltomdoan.com

Edward R. Reines  
Andrew Perito  
Aaron Y. Huang  
Weil Gotshal & Manges  
201 Redwood Shores Parkway  
Redwood City, CA 94065  
650.802.3000  
edward.reines@weil.com  
andrew.perito@weil.com  
aaron.huang@weil.com  
sonal.mehta@weil.com

Christian Hurt  
Weil Gotshal & Manges  
700 Louisiana, Suite 1600  
Houston, TX 77002  
713.546.5000  
christian.hurt@weil.com

Attorneys for Defendants  
AMAZON.COM INC. AND EBAY  
INC.

/s/ Thomas L. Duston

Thomas L. Duston  
Julianne Hartzell  
Scott A. Sanderson  
Anthony S. Gabrielson  
Marshall Gerstein & Borun  
233 S. Wacker Drive  
6300 Willis Tower  
Chicago, IL 60606  
312.474.6300  
tduston@marshallip.com  
jhartzell@marshallip.com  
ssanderson@marshallip.com  
agabrielson@marshallip.com

Eric Hugh Findlay  
Brian Craft  
Findlay Craft  
6760 Old Jacksonville Highway  
Suite 101  
Tyler, TX 75703  
903.534.1100  
efindlay@findlaycraft.com  
bcraft@findlaycraft.com

Attorneys for Defendant  
CDW LLC

/s/ Edwin R. DeYoung

Edwin R. DeYoung  
Roger Brian Cowie  
Galyn Dwight Gafford  
Michael Scott Fuller  
Roy William Hardin  
Jason E. Mueller  
Locke Lord Bissell & Liddell LLP  
2200 Ross Ave.  
Suite 2200  
Dallas, TX 75201  
214.740.8500  
edeyoung@lockelord.com  
rcowie@lockelord.com  
ggafford@lockeliddell.com  
sfuller@lockelord.com  
rhardin@lockelord.com  
jmueller@lockeliddell.com

Eric L. Sophir  
SNR Denton  
1301 K Street, N.W.  
Suite 600, East Tower  
Washington, DC 20005-3364  
202.408.6470  
eric.sophir@snrdenton.com

Attorneys for Defendant  
CITIGROUP INC.

/s/ Proshanto Mukherji

Thomas M. Melsheimer  
Neil J. McNabnay  
Carl Bruce  
Fish & Richardson  
1717 Main Street  
Suite 5000  
Dallas, TX 75201  
214.474.5070  
melsheimer@fr.com  
mcnabnay@fr.com  
bruce@fr.com

Proshanto Mukherji  
Fish & Richardson  
225 Franklin Street  
Boston, MA 02110  
617.542.5070  
mukherji@fr.com  
Attorneys for Defendant  
THE GO DADDY GROUP, INC.

/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 Stroy (pro hac vice)  
brandon.stroy@ropesgray.com  
Rebecca R. Hermes (pro hac vice)  
rebecca.hermes@ropesgray.com  
Han Xu (pro hac vice)  
han.xu@ropesgray.com  
ROPES & GRAY LLP  
1900 University Avenue, 6th Floor  
East Palo Alto, California 94303-2284  
Telephone: (650) 617-4000  
Facsimile: (650) 617-4090

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 DEFENDANTS  
GOOGLE INC. AND YOUTUBE LLC

/s/ Christopher M. Joe

Christopher M. Joe  
Brian Carpenter  
Eric W. Buether  
Buether Joe & Carpenter  
1700 Pacific, Suite 2390  
Dallas, TX 75201  
214-466-1270  
Chris.Joe@BJCIPLaw.com  
Eric.Buether@BJCIPLaw.com  
Brian.Carpenter@BJCIPLaw.com

Attorneys for Defendant  
J.C. PENNEY CORPORATION, INC.

/s/ Michael Ernest Richardson

Michael Ernest Richardson  
Beck Redden & Secrest  
1221 McKinney  
Suite 4500  
Houston, TX 77010  
713.951.6284  
mrichardson@brsfirm.com

Kate Hutchins  
Wilmer Cutler Pickering Hale and Dorr,  
LLP  
399 Park Avenue  
New York, NY 10022  
212.230.8800  
kate.hutchins@wilmerhale.com

Donald R. Steinberg  
Mark Matuschak  
Wilmer Cutler Pickering Hale and Dorr,  
LLP  
60 State Street  
Boston, MA 02109  
617.526.5000  
don.steinberg@wilmerhale.com  
mark.matuschak@wilmerhale.com

Daniel V. Williams  
Jonathan Hardt  
Wilmer Cutler Pickering Hale and Dorr,  
LLP  
1875 Pennsylvania Avenue, N.W.  
Washington, D.C. 20006  
202.663.6012  
daniel.williams@wilmerhale.com  
jonathan.hardt@wilmerhale.com

Attorneys for Defendant  
STAPLES, INC.

/s/ Jennifer H. Doan  
Jennifer H. Doan  
Joshua R. Thane  
Haltom & Doan  
6500 Summerhill Road, Suite 100  
Texarkana, TX 75503  
903.255.1000  
jdoan@haltomdoan.com  
[jthane@haltomdoan.com](mailto:jthane@haltomdoan.com)

Edward R. Reines  
Andrew Perito  
Aaron Y. Huang  
Weil Gotshal & Manges  
201 Redwood Shores Parkway  
Redwood City, CA 94065  
650.802.3000  
edward.reines@weil.com  
andrew.perito@weil.com  
aaron.huang@weil.com  
sonal.mehta@weil.com

Christian Hurt  
Weil Gotshal & Manges  
700 Louisiana, Suite 1600  
Houston, TX 77002  
713.546.5000  
christian.hurt@weil.com

Deborah J Race  
Otis W Carroll, Jr.  
Ireland Carroll & Kelley  
6101 S Broadway  
Suite 500  
Tyler, TX 75703  
903.561.1600  
drace@icklawn.com  
fedserv@icklawn.com

Attorneys for Defendant  
YAHOO! INC.



**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic mail are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on August 2, 2011. Any other counsel of record will be served via First Class U.S. Mail on this same date.

*/s/ Proshanto Mukherji* \_\_\_\_\_

Proshanto Mukherji

**CERTIFICATE OF CONFERENCE**

The undersigned counsel for Adobe Systems Incorporated conferred by email with counsel for Eolas Technologies, Inc. on behalf of Defendants regarding this motion. Eolas does not oppose this motion.

*/s/ Proshanto Mukherji* \_\_\_\_\_

Proshanto Mukherji