

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

Eolas Technologies Incorporated

Plaintiff,

v.

Adobe Systems Inc. et al.,

Defendants.

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Civil Action No. 6:09-cv-00446-LED

**DEFENDANT STAPLES, INC.’S MOTION FOR LEAVE TO FILE
STAPLES, INC.’S SECOND AMENDED ANSWER,
DEFENSES, AND COUNTERCLAIMS**

Pursuant to Rule 15 of the Federal Rules of Civil Procedure, Defendant Staples, Inc. (“Staples”) respectfully requests that the Court allow it leave to file a Second Amended Answer, Defenses, and Counterclaims. A copy of Defendant’s proposed Second Amended Answer, Defenses, and Counterclaims is attached hereto as Exhibit A. In support of their motion, Defendant states as follows:

Defendant Staples files this Second Amended Answer, Defenses, and Counterclaims within six days after the expiration of the deadline to amend its pleadings. The changes to Staples’ answer and counterclaims are the same as those already filed by other defendants in this case relating to inequitable conduct facts recently learned, and accordingly Eolas will suffer no possible prejudice.

Staples has conferred with Eolas, and Eolas consents to this motion.

WHEREFORE, Defendant requests leave to file its Second Amended Answer, Defenses, and Counterclaims; and for all such other and further relief to which it may show itself justly entitled.

Date: August 4, 2011

Respectfully submitted,

/s/ Michael E. Richardson

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

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

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

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

**ATTORNEYS FOR DEFENDANT
STAPLES, INC.**

CERTIFICATE OF CONFERENCE

I certify that Counsel for Staples has conferred with Counsel for Eolas concerning the foregoing motion, and Counsel for Eolas does not oppose this motion.

/s/ Caitlin Looby
Caitlin Looby

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)(3) this 4th day of August, 2011.

/s/ Michael E. Richardson
Michael E. Richardson