

# EXHIBIT A



Eolas shall designate one or more of its officers, directors, agents, or other persons as are most qualified, knowledgeable, and competent to testify on its behalf as to all topics set forth in the attached Schedule A. Google and YouTube request that Eolas provides in writing the name or names of the person or persons who will testify on Eolas' behalf concerning the topics specified in the attached Schedule A, and identify the particular topic or topics for which each witness will be prepared to testify on or before July 29, 2011.

You are required to produce the person or persons at the indicated time and place, unless otherwise agreed upon, and are invited to attend and cross-examine.

Dated: July 22, 2011

/s/ Sasha G. Rao

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GOOGLE INC. AND YOUTUBE LLC

## **SCHEDULE A**

### **Definitions**

1. As used herein, “ALL” means “any and all”; “ANY” means “any and all.”
2. As used herein, “INCLUDES” means “includes but not limited to” and “INCLUDING” means “including but not limited to.”
3. As used herein, the term “COMMUNICATION(S)” shall mean the transmission or receipt of information of any kind through any means, including but not limited to speech, writing, language (machine, foreign, or otherwise), computer electronics of any kind, magnetic tape, video tape, photograph, graph, symbol, sign, magnetic or optical disk, sound, radio and/or video signal, telephone, teletype, telecommunication, telegram, microfilm, microfiche, file, facsimile, electronic mail, instant message, internet relay chat, news group, teleconference, or media of any kind.
4. As used herein, “DOCUMENT(S),” or any variant thereof, shall be defined to the broadest extent permitted by Rule 34 of the Federal Rules of Civil Procedure and includes, whenever applicable and without limitation, both “documents” and “electronically stored information,” and further includes to the extent that same are within the possession, custody, or control of Defendant, the originals (absent any original, a copy) of any recordation of any intelligence or information, whether handwritten, typed, printed or otherwise magnetically, optically, visually or aurally stored or reproduced, INCLUDING letters, correspondence, memoranda, telegrams, notes, reports, compilations, data, notebooks, laboratory notebooks, work papers, graphs, charts, blueprints, books, pamphlets, brochures, circulars, manuals, instructions, ledgers, drawings (INCLUDING engineering, assembly and detail drawings), sketches, photographs, diaries, sales literature, advertising literature, agreements, minutes of meetings,

punch cards, magnetic tape or wire, other machine producible records INCLUDING films, videotapes and sound reproductions, printout sheets, electronic records such as electronic mail, summaries or records of telephone conversations, personal conversations or interviews, and any and all other writings, typings, printings, drafts, copies, and/or mechanical, magnetic, optic, or photographic reproductions or recordings thereof in the possession, custody or control of Plaintiff or known to Plaintiff whether or not prepared by Plaintiff.

5. As used herein, “REGARDING” mean constituting, comprising, evidencing, reflecting, respecting, discussing, referring, stating, describing, recording, noting, considering, embodying, evaluating, analyzing, mentioning, containing, concerning, indicating, pertaining, showing, bearing upon or studying, or any other term synonymous with or similar to the foregoing.

6. As used herein, “PATENTS-IN-SUIT” means U.S. Patent No. 5,838,906 (the “’906 Patent”) and U.S. Patent No. 7,599,985 (the “’985 Patent”).

7. As used herein, “PERSON” means any natural person, business entity, firm, corporation, partnership, association, organization, company, corporation, joint venture, firm, proprietorship, trust, estate, agency, board, authority, commission, trust, unincorporated organization, group, legal or governmental entity or association, or other entity of any kind, including but not limited to (where appropriate) any owners, directors, partners, officers, shareholders, employees, successors, insurers, assigns, affiliates, agents, and/or counsel, and any representatives or persons that at any time have acted, are purported to act, or are authorized to act on that person’s behalf.

8. As used herein, “LICENSEE(S)” includes but is not limited to patent licensees, software licensees, resellers, distributors, original equipment manufacturers (“OEMs”), and any PERSON authorized to practice the one or more of the PATENTS-IN-SUIT.

9. As used herein, “PRODUCT(S)” is used in its customary, broad sense and INCLUDES any concept, design, functional specification, architecture, system, software (INCLUDING object and source code), device, component, article of manufacture, apparatus, or instrumentality, whether or not it has ever been made, used, marketed, advertised, disclosed, discussed, sold, or offered for sale.

10. As used herein, the terms “IDENTIFY” and “IDENTIFICATION” when used in reference to a DOCUMENT, COMMUNICATION, or publication means to provide information INCLUDING the date, author(s), recipient(s), format (i.e. memorandum, book, photograph, etc.), title, and subject matter of that DOCUMENT or publication.

11. As used herein, the terms “IDENTIFY” and “IDENTIFICATION” when used in reference to a PERSON means provide information INCLUDING that PERSON’s full name, residence and business telephone numbers, present residence and business addresses if known, and that PERSON’s present or last known title, position, and business affiliation, where applicable.

12. As used herein, the term “EOLAS” means Eolas Technologies, Inc., its divisions, subsidiaries, predecessors-in-interest, and successors-in-interest, any joint venture to which any of the foregoing has ever been a party, and its officers, directors, employees, consultants, agents, and accountants, including any entity who has served in any such capacity at any time.

## Topics

1. ALL factual and other bases for ALL contentions by EOLAS REGARDING EOLAS' compliance with 35 U.S.C. § 287(a).
2. ALL facts REGARDING the identity of (a) the patented articles in connection with the PATENTS-IN-SUIT, (b) the PRODUCTS that practice the PATENTS-IN-SUIT, and (c) the PRODUCTS authorized to practice the PATENTS-IN-SUIT.
3. ALL facts REGARDING marking by ALL PERSONS authorized to practice one or more of the PATENTS-IN-SUIT, INCLUDING the IDENTIFICATION of such PERSONS.
4. ALL facts REGARDING marking by ALL LICENSEES.
5. ALL COMMUNICATIONS between EOLAS and LICENSEES REGARDING marking.
6. ALL facts REGARDING whether or not EOLAS required LICENSEES to mark ANY PRODUCT or patented article with any of the PATENTS-IN-SUIT.
7. ALL facts REGARDING whether or not EOLAS required LICENSEES to mark ANY web page with any of the PATENTS-IN-SUIT.
8. ALL facts REGARDING any efforts or attempts by EOLAS to enforce any requirement of LICENSEES to mark ANY PRODUCT or patented article with any of the PATENTS-IN-SUIT.
9. ALL facts REGARDING any efforts or attempts by EOLAS to enforce any requirement of LICENSEES to mark ANY web page with any of the PATENTS-IN-SUIT.
10. ALL DOCUMENTS REGARDING Topics 1-9, INCLUDING IDENTIFICATION of those DOCUMENTS.
11. ALL PEOPLE with knowledge REGARDING Topics 1-9, INCLUDING IDENTIFICATION of those PEOPLE.

**CERTIFICATE OF SERVICE**

I hereby certify that Plaintiff's counsel is being served this 22nd day of July, 2011, with a copy of this document via electronic mail.

/s/ Lauren N. Robinson