

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

Eolas Technologies Incorporated,

Plaintiff,

vs.

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

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.; JPMorgan Chase & Co.; New
Frontier Media, Inc.; Office Depot, Inc.; Perot
Systems Corp.; Playboy Enterprises International,
Inc.; Rent-A-Center, Inc.; Staples, Inc.; Sun
Microsystems, Inc.; Texas Instruments Inc.; Yahoo!
Inc.; and YouTube, LLC,

Defendants.

JURY TRIAL DEMANDED

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.; JPMorgan Chase & Co.; New Frontier Media,
Inc.; Office Depot, Inc.; Perot Systems Corp.; Playboy
Enterprises International, Inc.; Rent-A-Center, Inc.;
Staples, Inc.; Oracle America, Inc. f/k/a Sun
Microsystems, Inc.; Texas Instruments Inc.; Yahoo!
Inc.; and YouTube, LLC,

Counterclaimants,

vs.

Eolas Technologies Incorporated,

Counterdefendant.

DEFENDANTS' MOTION TO WITHDRAW MOTION FOR PARTIAL
SUMMARY JUDGMENT OF INTERVENING RIGHTS [DKT. NO. 567]

Defendants Adobe Systems, Inc., Amazon.com, Inc., CDW LLC, Citigroup Inc., Google, Inc., The Go Daddy Group, Inc., J.C. Penney Corp., Inc., Staples, Inc., Yahoo! Inc., and YouTube LLC (collectively, “Defendants”) hereby move to withdraw Defendants’ Motion for Partial Summary Judgment of Intervening Rights [Dkt. No. 567] (“Intervening Rights Motion”) and would state as follows:

The focus of Defendants’ Intervening Rights Motion was to address Plaintiff’s claim for back damages. As of today, that claim has been withdrawn by the parties’ Joint Stipulation of No Pre-Suit Damages [Dkt. No. 867], eliminating the purpose of the Intervening Rights Motion. Accordingly, Defendants respectfully move the Court to withdraw the Intervening Rights Motion [Dkt. 567].

Respectfully submitted,

Dated: August 17, 2011

By: */s/ James R. Batchelder (with permission)*

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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)(3) on this 17th day of August 2011. All other counsel of record will be served via facsimile or first class mail.

*/s/ Cynthia Jacobs*

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Cynthia Jacobs

**CERTIFICATE OF CONFERENCE**

The undersigned hereby certifies that, in compliance with Local Rule CV-7(h), counsel for Amazon.com, Inc. and Yahoo! Inc. Edward Reines conferred in good faith in a phone conversation with counsel for Eolas Technologies, Inc. John Campbell on August 17, 2011. Counsel for Eolas indicated that Eolas opposes the relief requested herein, and after a full and thorough discussion of the parties' positions it was agreed that an impasse was reached, leaving an open issue for the court to resolve.

*/s/ Edward R. Reines*

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Edward R. Reines