

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

**Eolas Technologies Incorporated,**

§

**Plaintiff,**

§

**Civil Action No. 6:09-CV-00446-LED**

§

**vs.**

§

§

**Adobe Systems Inc., Amazon.com, Inc.,**

§

**JURY TRIAL**

**Apple Inc., Argosy Publishing, Inc.,**

§

**Blockbuster Inc., CDW Corp.,**

§

**Citigroup Inc., eBay Inc., Frito-Lay, Inc.,**

§

**The Go Daddy Group, Inc., Google Inc.,**

§

**J.C. Penney Company, 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.**

§

**PLAINTIFF EOLAS' REBUTTAL TRIAL WITNESS LIST**

Pursuant to the Court's Docket Control Order, Plaintiff Eolas Technologies, Inc. ("Eolas") hereby provides its list of witnesses whom Eolas expects to call as rebuttal witnesses at trial and those whom Eolas may call if the need arises, whether live or by deposition.

(1) Eolas expects to call the following rebuttal witnesses to testify by live testimony at the trial:

Dr. David Martin

(2) Eolas may call the following rebuttal witnesses to testify by live testimony at the trial if the need arises:

Dr. Michael Doyle  
Roy Weinstein

Cheong S. Ang  
David C. Martin  
James L. Stetson  
Mark C. Swords  
Charles E. Krueger  
Jon Bari  
Lawrence Goffney  
Brandy Hernandez  
Alicia Gackle  
William Tucker  
Sunita Rajdev  
Google/YouTube Corporate Representative  
Yahoo Corporate Representative  
Amazon Corporate Representative  
J.C. Penney Corporate Representative  
Staples Corporate Representative  
CDW Corporate Representative  
Adobe Corporate Representative  
Go Daddy Corporate Representative  
Citigroup Corporate Representative

(3) Eolas may present the testimony of the following rebuttal witnesses at trial by deposition if the need arises:

Becker, Marilyn	(Adobe)
Brown, Rick	(Adobe)
Murarka, Anup	(Adobe)
Lynch, Kevin	(Adobe)
Rasmussen, MeMe	(Adobe)
Betlam, Paul	(Adobe)
Nemeth, Joe	(Adobe)
Dhalgren, Sheila	(Adobe)
Hansen, Blaire	(Adobe)
Wulff, Robert	(Adobe)
Gay, Jonathan	(Adobe)
Tatsumi, Robert	(Adobe)
Flosnik, Lisa	(Adobe)
Zanoni, Michael	(Amazon)
Quek, Karen	(Amazon)
Mills, Brent	(Amazon)
Scott, Sean	(Amazon)
Desjardins, Chad	(Amazon)
Freshwater, Jenny	(Amazon)
Dicker, Russell	(Amazon)
Gonzalez, Ivan	(Amazon)
Wood, James	(Amazon)

Hayden, Scott	(Amazon)
Janes, Cameron	(Amazon)
Kelly, Fay	(Amazon)
Kruger, Les	(Amazon)
Sadow, Laurie	(CDW)
Brown, Sean	(CDW)
Scarpino, Michael	(CDW)
Adams, Robert	(CDW)
Tzau, David	(CDW)
Ramasubramanian, Krams	(CDW)
Van Leishout, Paul	(CDW)
Mousigian, Barbara	(CDW)
Parsons, Donald	(Citi)
Chalifoux, Paul	(Citi)
Jacobson, Leigh	(Citi)
Benowitz, Leigh	(Citi)
Colella, Vanessa	(Citi)
Wood, Neal	(Go Daddy)
Hertz, Ronald	(Go Daddy)
Franklin, Rachel	(Go Daddy)
Hartman, Lary	(Go Daddy)
Brickner, Cory	(Go Daddy)
Setty, Prasad	(Google)
Harrelson, Chris	(Google)
Rakowski, Brian	(Google)
Gough, Kevin	(Google)
Lawrence, Job	(Google)
Miller, Jason	(Google)
Coleman, Keith	(Google)
Brougher, Bill	(Google)
Pichai, Sundar	(Google)
Sears, Bart	(Google)
Mehrotra, Shishir	(Google)
Bodenhamer, Albert	(Google)
Ganesh, Shankar	(Google)
Kaustuv	(Google)
Lewis, Ben	(Google)
Stern, Leor	(Google)
Pizano, Carlos	(Google)
Wald, Gideon	(Google)
Martel, Mark	(Google)
Webber, Joel	(Google)
Boyd, John	(Google)
Fitzpatrick, Brian	(Google)
Deprey, Benigne	(Google)
Walk, Hunter	(Google)

Effrat, Jonathan	(Google)
Coultas, Kate	(JCPenney)
Wilson, Jerred	(JCPenney)
Horsley, Craig	(JCPenney)
Feuerborn, Tom	(JCPenney)
Mitchell, Phil	(JCPenney)
Moser, John	(JCPenney)
Donahue, Joanne	(Staples)
Van Camp, Paul	(Staples)
Candela, Adam	(Staples)
Vareschi, Robert	(Staples)
King, Karyn	(Staples)
Peck, Benjamin	(Staples)
Tobin, Thomas	(Staples)
Connolly, Mark	(Staples)
Moore, Ken	(Staples)
Tilzer, Brian	(Staples)
Bourke, Carrie	(Staples)
Baball, Kavita	(Staples)
Mastovsky, David	(Staples)
Risher, Mark	(Yahoo)
Wolf, Samuel	(Yahoo)
Croot, Amy	(Yahoo)
Simpson, Scott	(Yahoo)
Sud, Seema	(Yahoo)
Spiegelman, Michael	(Yahoo)
Tucker, Eileen	(Yahoo)
Klahr, Joshua	(Yahoo)
Jansen, Colleen	(Yahoo)
Strong, Ben	(Yahoo)
Fischer, Paul	(Yahoo)
Motes, Chris	(Yahoo)
Culligan, Jay	(Yahoo)
Zitzer, Aaron	(Yahoo)
McDowell, David	(Yahoo)
Roufas, Kimon	(Yahoo)
Malcolm, Mary Beth	(Yahoo)
Yeh, Luke	(Yahoo)
Jansen, Collenn	(Yahoo)
Church, Justin	(Yahoo)
Batrasky, Ethan	(Yahoo)
Tesler, Larry	(Third Party)
Hilberg, Loren	(Third Party)
Sundermeyer, Michael	(Third Party)
Bina, Eric	(Third Party)
Sadowski, Daniel	(Third Party)

Raggett, David           (Third Party)  
Martin, David           (Third Party)  
Jansen, William       (Third Party)  
Any other witness deposed during the litigation

Eolas reserves the right to supplement or amend this list if justified. Eolas also reserves the right to call any witness that Defendants identify or call during the trial, including in Eolas' case-in-chief or in rebuttal.

Dated: August 22, 2011.

**McKool Smith, P.C.**

/s/ Mike McKool

Mike McKool

Lead Attorney

Texas State Bar No. 13732100

[mmckool@mckoolsmith.com](mailto:mmckool@mckoolsmith.com)

Douglas Cawley

Texas State Bar No. 04035500

[dcawley@mckoolsmith.com](mailto:dcawley@mckoolsmith.com)

**McKool Smith, P.C.**

300 Crescent Court, Suite 1500

Dallas, Texas 75201

Telephone: (214) 978-4000

Telecopier: (214) 978-4044

Kevin L. Burgess

Texas State Bar No. 24006927

[kburgess@mckoolsmith.com](mailto:kburgess@mckoolsmith.com)

John B. Campbell

Texas State Bar No. 24036314

[jbcampbell@mckoolsmith.com](mailto:jbcampbell@mckoolsmith.com)

Josh W. Budwin

Texas State Bar No. 24050347

[jbudwin@mckoolsmith.com](mailto:jbudwin@mckoolsmith.com)

Gretchen K. Curran

Texas State Bar No. 24055979

[gharting@mckoolsmith.com](mailto:gharting@mckoolsmith.com)

Matthew B. Rappaport

Texas State Bar No. 24070472

[mrappaport@mckoolsmith.com](mailto:mrappaport@mckoolsmith.com)

**McKool Smith, P.C.**

300 West Sixth Street, Suite 1700

Austin, Texas 78701

Telephone: (512) 692-8700

Telecopier: (512) 692-8744

**ATTORNEYS FOR PLAINTIFF  
EOLAS TECHNOLOGIES, INC.**

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who have consented to electronic service. Local Rule CV-5(a)(3)(A) on August 22, 2011.

/s/ John Campbell  
John Campbell