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

EOLAS TECHNOLOGIES	§	
INCORPORATED	§	
	§	
PLAINTIFF,	§	
	§	
V.	§	
	§	
ADOBE SYSTEMS INC.,	§	CIVIL ACTION NO. 6:09-CV-446
AMAZON.COM, INC., APPLE INC.,	§	
ARGOSY PUBLISHING, INC.,	§	JURY TRIAL DEMANDED
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.	§	

## DEFENDANTS GOOGLE INC. AND YOUTUBE LLC'S <u>REBUTTAL TRIAL WITNESS LIST</u>

Pursuant to the Court's Docket Control Order entered in this case, Defendants Google Inc.

and YouTube LLC ("together, "Google") submit this Rebuttal trial Witness List.

Google's Rebuttal Trial Witness List in this matter is the same at its Trial Witness

List, served on August 12, 2011, which is incorporated herein by reference. Google reserves the

right to call any witness on that list, in addition to any other witness deposed by Eolas or identified

on Eolas' witness lists, identified on the Trial or Rebuttal witness lists of any other defendant in this case, or necessitated by the Court's claim construction. Google further reserves the right to call any witness(es) necessary to authenticate any document or material that Google relies upon at trial where such authenticity is disputed by Eolas.

Dated: August 22, 2011

/s/ Brandon H. Story, with permission by Michael E. Jones 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 Lauren N. Robinson (pro hac vice) lauren.robinson@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 (903) 593-0846 Facsimile:

ATTORNEYS FOR DEFENDANTS GOOGLE INC. & YOUTUBE LLC

## **CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via Electronic Mail and/or via the Court's CM/ECF system per Local Rule CV-5(a)(3), on this 22<sup>nd</sup> day of August, 2011.

\_/s/ Michael E. Jones\_\_\_\_\_