

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

Eolas Technologies Incorporated,

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Plaintiff,

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Civil Action No. 6:09-cv-446

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vs.

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

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JURY TRIAL

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Defendants.

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**PLAINTIFF’S RESPONSE TO DEFENDANTS’ MOTION TO WITHDRAW MOTION
FOR PARTIAL SUMMARY JUDGMENT OF INTERVENING RIGHTS [DKT. NO. 567]**

Plaintiff Eolas Technologies, Inc. files this response to Defendants' motion to withdraw motion for partial summary judgment of intervening rights. Dkt. No. 872. In light of Defendants' representation that the "purpose of the Intervening Rights Motion" has been "elminat[ed]," Eolas withdraws its opposition to this motion.

Dated: August 23, 2011.

Respectfully submitted,

McKool Smith, P.C.

/s/ Mike McKool

Mike McKool

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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 this August 23, 2011.

/s/ John B. Campbell
John B. Campbell