

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION

| | | |
|--|--|--|
| Eolas Technologies Incorporated, <p style="text-align: center;"><i>Plaintiff,</i></p> <p style="text-align: center;">v.</p> Adobe Systems Inc., et al. <p style="text-align: center;"><i>Defendants.</i></p> |)))))))))) | No. 6:09-cv-00446-LED (filed Oct. 6, 2009) |
|--|--|--|

**JOINT MOTION TO EXCEED OPPOSITION, REPLY AND SUR-REPLY PAGE
LIMITS FOR BRIEFS RELATING TO GO DADDY’S MOTION FOR SUMMARY
JUDGMENT OF NONINFRINGEMENT BASED ON ITS LICENSE DEFENSE**

Go-Daddy filed a Motion for Summary Judgment of Noninfringement Based on Its License Defense (“the Go Daddy License Motion”) (Dkt. No. 790) on July 25, some weeks in advance of the summary judgment deadline. At that time, Go-Daddy and other defendants understood the summary-judgment page limits of Local Rule CV-7(a)(3)(A) to apply to each party, not each side, and so understood that the pages in the Go Daddy License Motion would not count against other defendants’ summary-judgment page limits. Upon learning, some weeks later, that the limits might instead be understood to be “per side,” the remaining defendants filed a motion requesting the Court not to count the fourteen pages of Go Daddy’s motion against their page limits, or alternatively, to grant fourteen additional pages for defendants’ motions. (Dkt. No. 878) The Court granted this motion, and added fourteen pages to defendants’ summary-judgment page limits (Dkt. No. 909). Eolas filed an Opposition to the Go Daddy License Motion on August 16. (Dkt. No. 859).

Defendant Go Daddy and Plaintiff Eolas now *jointly* ask the court to extend plaintiff's and defendants' opposition, reply and sur-reply page limits so that the *opposition, reply and sur-reply briefing* on the Go Daddy License motion also is not charged against these respective limits. Eolas' Opposition to the Go Daddy License Motion is 14 pages, the same length as Go Daddy's Motion. (Dkt. No. 859). Mindful of the Court's admonition on page limits, Eolas and Go Daddy will keep their respective reply and sur-reply short (no more than nine pages each).

DATED: August 29, 2011

/s/ Mike McKool

Mike McKool
Lead Attorney
Texas State Bar No. 13732100
mmckool@mckoolsmith.com
Douglas Cawley
Texas State Bar No. 04035500
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
John B. Campbell
Texas State Bar No. 24036314
jcampbell@mckoolsmith.com
Josh W. Budwin
Texas State Bar No. 24050347
jbudwin@mckoolsmith.com
Gretchen K. Harting
Texas State Bar No. 24055979
gharting@mckoolsmith.com
Matthew B. Rappaport
Texas State Bar No. 24070472
mrappaport@mckoolsmith.com
MCKOOL SMITH, P.C.
300 West Sixth Street, Suite 1700
Austin, Texas 78701
Telephone: (512) 692-8700
Telecopier: (512) 692-8744

Respectfully submitted,

/s/ Neil J. McNabney

Thomas M. Melsheimer (Bar No. 13922550)
<txm@fr.com>
Neil J. McNabney (Bar No. 24002583)
<njm@fr.com>
Carl E. Bruce (Bar No. 24036278)
<ceb@fr.com>
FISH & RICHARDSON P.C.
1717 Main Street, Suite 5000
Dallas, TX 75201
Telephone: (214) 747-5070
Facsimile: (214) 747-2091

Proshanto Mukherji (*pro hac vice*)
<pvm@fr.com>
FISH & RICHARDSON P.C.
One Marina Park Drive
Boston, MA 02110-1878
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

*Attorneys for Defendant and Counterclaimant
The Go Daddy Group, Inc.*

Robert M. Parker
Texas State Bar No. 15498000
Robert Christopher Bunt
Texas Bar No. 00787165
Andrew T. Gorham
Texas State Bar No. 24012715
PARKER, BUNT & AINSWORTH, P.C.
100 E. Ferguson, Suite 1114
Tyler, Texas 75702
(903) 531-3535
(903) 533-9687- Facsimile
rmparker@pbatyler.com
rcbunt@pbatyler.com
tgorham@pbatyler.com

**ATTORNEYS FOR PLAINTIFF
EOLAS TECHNOLOGIES INC.**

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 the Court's CM/ECF system per Local Rule CV-5(a)(3) on August 29, 2011.

/s/ Proshanto Mukherji

Proshanto Mukherji