

EXHIBIT 9

Gretchen Curran

From: Tom Fasone III
Sent: Tuesday, July 19, 2011 2:30 PM
To: Matuschak, Mark
Cc: Hutchins, Kate; MRichardson@brsfirm.com; Williams, Daniel V.; John B. Campbell; Josh Budwin; Hardt, Jonathan; Steinberg, Don; Ewenstein, Richard I; Eolas; Bob Kramer; Matt Rappaport; Kevin Burgess
Subject: RE: Eolas/Staples: Stipulation Regarding Business to Business Websites and Features

Mark

Eolas is not only perplexed but quite frustrated that it has yet to receive Staples' proposed stipulation on its business to business websites and their features, which Staples' counsel promised to provide during the parties' LR7 conference on June 30 -- which occurred just two (2) days shy of three (3) weeks ago.

As a participant in the LR7 conference, you know first hand that Eolas requested the conference so that it could file a motion with the Court in order to gain access to Staples' business to business websites to assess the extent to which they may make use of the accused features/functionality at issue in this litigation because Staples otherwise refused to provide the requested access (which involves nothing more than a password/user i.d.). Based on Staples' counsels' oral representations that Staples' business to business websites do not make use of any of the accused features/functionality and a promise to provide a stipulation reflecting same during the LR7 conference, Eolas agreed not to seek the Court's intervention to obtain discovery of these websites. However, Staples' continued delay in providing the promised stipulation -- for nearly three (3) weeks now -- has unreasonably hindered Eolas' efforts to obtain discovery on these possibly infringing websites. With the fact discovery deadline looming (August 12), Eolas is not in a position to wait any longer.

Please provide the promised stipulation or provide the reason(s) why Staples is unable to enter into the promised stipulation and please do so by no later than the close of business (6 PM CT) on Friday, July 22.

Please know that the LR7 conference requirements on this issue were met on June 30 and, thus, should we not hear from you by the requested time, Eolas will file with the Court a motion to compel access to Staples' business to business websites and request expedited consideration of same.

Best,

Tom

From: Tom Fasone III
Sent: Thursday, July 14, 2011 12:58 PM
To: Matuschak, Mark
Cc: Hutchins, Kate; MRichardson@brsfirm.com; Williams, Daniel V.; John B. Campbell; Josh Budwin; Hardt, Jonathan; Steinberg, Don; Ewenstein, Richard I; Eolas; Bob Kramer; Matt Rappaport; Kevin Burgess
Subject: RE: Eolas/Staples: Stipulation Regarding Business to Business Websites and Features

Mark

As the fact discovery deadline in this case is less than one month away, please let us know the status of Staples' efforts to prepare the stipulation promised during the parties' June 30 LR7 meet and confer.

Thank you.

Tom

From: Matuschak, Mark [Mark.Matuschak@wilmerhale.com]

Sent: Friday, July 08, 2011 10:43 AM

To: Tom Fasone III

Cc: Hutchins, Kate; MRichardson@brsfirm.com; Williams, Daniel V.; John B. Campbell; Josh Budwin; Hardt, Jonathan; Steinberg, Don; Ewenstein, Richard I; Eolas; Bob Kramer; Matt Rappaport

Subject: RE: Eolas/Staples: Stipulation Regarding Business to Business Websites and Features

Hi Tom -

We didn't promise any specific date but said we hoped to have something this week but given the holiday we weren't certain about that. As it turns out, our client is on vacation this week, which I didn't know at the time of the conference. We'll be back to you on this promptly once he returns next week.

Regards,
Mark

-----Original Message-----

From: Tom Fasone III [mailto:tfasone@McKoolSmith.com]

Sent: Friday, July 08, 2011 11:41 AM

To: Matuschak, Mark

Cc: Hutchins, Kate; MRichardson@brsfirm.com; Williams, Daniel V.; John B. Campbell; Josh Budwin; Hardt, Jonathan; Steinberg, Don; Ewenstein, Richard I; Eolas; Bob Kramer; Matt Rappaport

Subject: RE: Eolas/Staples: Stipulation Regarding Business to Business Websites and Features

Mark

I understand from our team members who participated in the LR7 conference on June 28, wherein Staples promised to provide a stipulation on its business to business websites and their features, that you indicated that Staples would provide the proposed stipulation at the beginning of this week. Today is Friday and Eolas has yet to receive the proposed stipulation from your client. Given the potential impact that this stipulation may have on Eolas' prosecution of its case against Staples within the current deadlines in this litigation, it is imperative that Eolas receive the promised proposed stipulation without further delay.

Please advise.

Tom

-----Original Message-----

From: Tom Fasone III

Sent: Tuesday, July 05, 2011 8:54 PM

To: Tom Fasone III

Cc: kate.hutchins@wilmerhale.com; mrichardson@brsfirm.com; Matuschak, Mark; John B. Campbell; Josh Budwin

Subject: Re: Eolas/Staples: Stipulation Regarding Business to Business Websites and Features

ERRATA: Tuesday's LR7 conference

Tom

On Jul 5, 2011, at 3:52 PM, "Tom Fasone III" <tfasone@McKoolSmith.com> wrote:

>
> Kate, Mark, and Michael
>
> I write to follow up on the parties' LR7 conference last Thursday, June 30.
>
> Eolas would very much appreciate it if Staples could provide its proposed stipulation for addressing the business to business websites and their features by no later than the close of business on Thursday, July 7. Given that fact discovery closes on August 12, Eolas needs ample time in advance of the deadline to consider the proposed stipulation to make sure that it adequately addresses its concerns.
>
> Thank you for your attention to this matter.
>
> Best,
>
> Tom