

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	§	UNDER SEAL
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.	§	

**DECLARATION OF JOSH BUDWIN IN SUPPORT OF EOLAS’
RESPONSE TO DEFENDANTS’ MOTION FOR PARTIAL SUMMARY
JUDGMENT OF NON-INFRINGEMENT BASED ON DIVIDED INFRINGEMENT**

I, Josh Budwin, do state and declare as follows:

1. I am an attorney with the law firm of McKool Smith PC (McKool Smith), counsel for Plaintiff Eolas Technologies Incorporated (Eolas) in this action. I make this declaration in support of Eolas’ Response to Defendants’ Motion for Partial Summary Judgment of Non-Infringement Based on Divided Infringement, filed herewith. Unless otherwise stated, the matters contained in this declaration are of my own personal knowledge and, if called as a witness, I could and would testify competently to the matters set forth herein.

2. Attached hereto as Exhibit A1 is a true and correct copy of United States Patent Number 5,838,906.

3. Attached hereto as Exhibit A2 is a true and correct copy of the Ex Parte Reexamination Certificate for United States Patent Number 5,838,985 issued on February 3, 1999.

4. Attached hereto as Exhibit B is a true and correct copy of United States Patent Number 5,838,985.

5. Attached hereto as Exhibit C is a true and correct copy of United States Patent Number 5,490,216.

6. Attached hereto as Exhibit D is a true and correct copy of United States Patent Number 6,792,110.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on September 28, 2011, in Austin, Texas.



Josh Budwin