

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

<b>Eolas Technologies Incorporated,</b>	§	
	§	
<b>Plaintiff,</b>	§	<b>Civil Action No. 6:09-CV-00446-LED</b>
	§	
<b>vs.</b>	§	
	§	
<b>Adobe Systems Inc., Amazon.com, Inc.,</b>	§	<b>JURY TRIAL</b>
<b>Apple Inc., Argosy Publishing, Inc.,</b>	§	
<b>Blockbuster Inc., CDW Corp.,</b>	§	
<b>Citigroup Inc., eBay Inc., Frito-Lay, Inc.,</b>	§	
<b>The Go Daddy Group, Inc., Google Inc.,</b>	§	
<b>J.C. Penney Company, Inc., JPMorgan</b>	§	<b>UNDER SEAL</b>
<b>Chase &amp; Co., New Frontier Media, Inc.,</b>	§	
<b>Office Depot, Inc., Perot Systems Corp.,</b>	§	
<b>Playboy Enterprises International, Inc.,</b>	§	
<b>Rent-A-Center, Inc., Staples, Inc., Sun</b>	§	
<b>Microsystems Inc., Texas Instruments Inc.,</b>	§	
<b>Yahoo! Inc., and YouTube, LLC</b>	§	
	§	
<b>Defendants.</b>	§	

**DECLARATION OF JOSH BUDWIN IN SUPPORT OF EOLAS’  
RESPONSE TO DEFENDANTS’ MOTION FOR SUMMARY  
JUDGMENT OF INVALIDITY FOR LACK OF WRITTEN DESCRIPTION**

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 Summary Judgment of Invalidity for Lack of Written Description, 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 excerpts from “PostScript® Language Reference third edition” by Adobe Systems Incorporated.

5. Attached hereto as Exhibit C is a true and correct copy of excerpts of Appendix A to United States Patent Number 5,838,906.

6. Attached hereto as Exhibit D is a true and correct copy of Appendix B to United States Patent Number 5,838,906.

7. Attached hereto as Exhibit E is a true and correct copy of excerpts from the July 22, 2011 deposition of Cheong Ang, an inventor of United States Patent Number 5,838,906.

8. Attached hereto as Exhibit F is a true and correct copy of excerpts from David Martin’s Main Infringement Report, served on Wednesday, July 20, 2011.

9. Attached hereto as Exhibit G is a true and correct copy of excerpts from the July 15, 2003 trial testimony in the Northern District of Illinois of Ed Felten, an Eolas expert in *Eolas Technologies, Inc. v. Microsoft Corp.*, No. 99-C-0626, (N.D. Ill., filed Feb. 2, 1999).

10. Attached hereto as Exhibit H is a true and correct copy of excerpts from the June 30, 2011 deposition of Michael Doyle, an inventor of United States Patent Number 5,838,906.

11. Attached hereto as Exhibit I is a true and correct copy of a declaration by an Eolas expert, David Martin, in support of Eolas’ Response to Defendants’ Motion for Summary Judgment of Invalidity for Lack of Written Description.

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.



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Josh Budwin