

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

LUXPRO CORPORATION, a Taiwanese)
corporation,)

Plaintiff,)

vs.)

APPLE, INC. f/k/a Apple Computer,)
Inc.,)

Defendant.)

Civil Action No. 4:08cv04092-HFB

UNOPPOSED MOTION FOR EXTENSION OF TIME

TO THE HONORABLE HARRY F. BARNES, U. S. DISTRICT JUDGE:

Now comes the Plaintiff, Luxpro Corporation, and files this Unopposed Motion for Extension of Time To File Second Amended Complaint and, in support thereof, would respectfully show the Court as follows:

1. The Plaintiff filed this case on October 14, 2008.
2. On December 19, 2008, the Defendant, Apple Inc., f/k/a Apple Computer, Inc., filed a Motion to Dismiss for Failure to State Claim Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.
3. The Plaintiff responded to the motion to dismiss on March 2, 2009, and the Defendant filed a reply brief on April 6, 2009.
4. The Court heard arguments from both parties at a hearing on September 1, 2009, and issued its ruling on September 28, 2009, granting in part and denying in part the motion to dismiss filed by the Defendant.

5. In its ruling, the Court directed the Plaintiff to file an amended complaint. The amended complaint is currently due to be filed on or before November 2, 2009.

6. Due to the complexity of the issues of fact before the Court and Plaintiff's desire to adequately respond to the Court's directive, Plaintiff needs additional time in which to prepare its second amended complaint. Accordingly, pursuant to Rules 6 and 15 of the Federal Rules of Civil Procedure, Plaintiff respectfully requests an extension of time to file its second amended complaint up to and including Monday, November 23, 2009.

7. This request is not made for the purpose of delay, but to allow Plaintiff additional time to fully respond to the Court's directive and so that substantial justice may be done.

8. Counsel for Plaintiff has conferred with counsel for Defendant, and the Defendant does not oppose this request for extension.

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully requests that the time for filing a second amended complaint in these proceedings be extended to Monday, November 23, 2009. Plaintiff also requests such other and further relief to which it may show itself justly entitled, whether at law or in equity.

Respectfully Submitted,

/s/ Phillip N. Cockrell_____

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CERTIFICATE OF CONFERENCE

Counsel for Plaintiff has conferred with counsel for Defendant in order to determine whether the relief requested in this motion is opposed. Counsel for Plaintiff has been advised that Defendant does not oppose the relief requested.

/s/ Phillip N. Cockrell
Phillip N. Cockrell

CERTIFICATE OF SERVICE

The undersigned hereby certifies 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, this 29th day of October, 2009.

/s/ Phillip N. Cockrell