

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

LUXPRO CORPORATION, a Taiwanese)
corporation,)
)
Plaintiff,)
)
Civil Action No. 4:08cv04092-HFB
vs.)
)
)
APPLE, INC. f/k/a Apple Computer,)
Inc.,)
)
Defendant.)

UNOPPOSED MOTION FOR EXTENSION OF TIME

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

Now comes 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 within fourteen (14) days from entry of the Order. Through prior unopposed motions by the parties to extend the filing and response deadlines for Plaintiff's second amended complaint (Dkt. Nos. 51, 52 and 55), the Court has extended the deadline for filing the amended complaint to November 23, 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, December 7, 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 its second amended complaint in these proceedings be extended from November 23, 2009, to and including Monday, December 7, 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_____

Richard A. Adams
Ark. Bar No. 97036
Phillip N. Cockrell
Ark. Bar No. 79154
Leisa B. Pearlman
Ark. Bar No. 92070
Corey D. McGaha
Ark. Bar No. 2003047
Reid D. Miller
Ark. Bar No. 2008264

PATTON ROBERTS PLLC
2900 St. Michael Drive, Suite 400
Texarkana, Texas 75505-6128
Phone: (903) 334-7000
Fax: (903) 334-7007

Jeremy Y. Hutchinson
Ark. Bar No. 2006145
PATTON ROBERTS PLLC
111 Center St., Suite 1315
Little Rock, AR 72201
Telephone: (501) 372-3480
Facsimile: (501) 372-3488

Patrick J. Conroy
Pro Hac Vice
Glenn E. Janik
Pro Hac Vice
SHORE CHAN BRAGALONE LLP
Bank of America Plaza
901 Main Street, Suite 3300
Dallas, Texas 75202
Telephone: (214) 593-9110
Facsimile: (214) 593-9111

**ATTORNEYS FOR PLAINTIFF
LUXPRO CORPORATION**

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 19th day of November, 2009.

/s/ Phillip N. Cockrell
Phillip N. Cockrell