

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

LUXPRO CORPORATION, a Taiwanese  
Corporation

Plaintiff

vs.

CASE NO. 4:08CV04092-HFB

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

Defendant

MOTION FOR EXTENSION OF TIME

Comes now the defendant, Apple, Inc. f/k/a Apple Computer, Inc., and for this, its motion for extension of time to respond to plaintiff, Luxpro Corporation's second amended complaint, states:

1. That Luxpro filed its original complaint on October 10, 2008, and its first amended complaint on October 20, 2008.
2. That on December 19, 2008, Apple filed a motion to dismiss Luxpro's first amended complaint. On September 28, 2009, the Court granted in part and denied in part Apple's motion to dismiss. In that order, the Court directed Luxpro to file a second amended complaint within fourteen (14) days, on or before October 12, 2009.
3. Luxpro sought and received three (3) separate extensions of time to file the second amended complaint. These requests were made in the form of unopposed motions (Docs. 52, 55 and 56) that included language advising this Court that Apple did not oppose the requested extensions.

4. That Luxpro timely filed its second amended complaint on December 29, 2009. Under the language of an earlier order (Doc. 53), the Court directed Apple to file its response to the second amended complaint within twenty (20) days of filing, making Apple's response due no later than January 18, 2010.

5. That on January 6, 2010, Apple filed an unopposed motion for extension of time to respond to the second amended complaint (Doc. 63) seeking eleven (11) additional days to respond. That motion was granted by this Court, making Apple's response due on January 29, 2010.

6. That this litigation involves many issues which have required both parties substantial time and effort to properly address and plead. Proof of the complexity of the case is evidenced by Luxpro's need for eight (8) extra weeks to prepare and file its second amended complaint. Likewise, Apple needs additional time to respond to Luxpro's second amended complaint. Accordingly, Apple requests an extension of time to file its response to the amended complaint, up to and including February 26, 2010. If this request is granted, Apple will have been given five and a half (5 1/2) extra weeks to file its response.

7. That this request is not made for the purpose of delay, but so that justice may be done.

WHEREFORE, PREMISES CONSIDERED, Apple respectfully requests that the time for filing its response to Luxpro's second amended complaint be extended from January 29, 2010, to February 26, 2010.

Respectfully submitted,

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CERTIFICATE OF CONFERENCE

Counsel for Apple has conferred with counsel for Luxpro in order to determine whether the relief requested in this motion is opposed. Counsel for Apple was advised that Luxpro did not oppose a two week extension, but would not agree to the four weeks requested by this motion.

/s/ James M. Pratt, Jr.  
James M. Pratt, Jr.

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 26<sup>th</sup> day of January, 2010.

/s/James M. Pratt, Jr.  
James M. Pratt, Jr.