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December 28, 2007

**Via ECF and Federal Express**

Honorable Leonard D. Wexler  
United States District Court  
Eastern District of New York  
Long Island Federal Courthouse  
944 Federal Plaza  
Central Islip, New York 11722

Re: *Li v. Apple Inc., et al., No. 07-cv-04005-LDW-ETB*

Dear Judge Wexler:

This firm represents defendant AT&T Inc. (“AT&T”) in the above-referenced action. AT&T hereby joins in the December 24, 2007 letter from Michael B. Miller, counsel for defendants Apple Inc. and Steve Jobs (collectively, “Apple”), renewing defendants’ request for a pre-motion conference to set a briefing schedule on defendants’ anticipated motions to dismiss plaintiff’s Complaint in its entirety pursuant to Fed. R. Civ. P. 12(b)(6).

Plaintiff has failed to respond at all to Apple’s and AT&T’s pre-motion conference letters to the Court, which were filed and served on December 5 and 6, 2007, respectively (*see* Docket Nos. 6 and 7), and which “constitute[d] timely service of a motion made pursuant to Federal Rule of Civil Procedure Rule 12(b)” under Rule 2.B of Your Honor’s Individual Practices. Plaintiff’s counsel also has failed to respond to any of the prior or subsequent telephone messages and letters from defendants’ counsel, including our recent attempts to satisfy our meet and confer obligations under Magistrate Judge Boyle’s Scheduling Order and the Federal Rules. Instead, on December 24, 2007, plaintiff sent defendants a letter threatening to “move the court for a default judgment” for “fail[ure] to serve an answer.”

Given plaintiff’s non-responsiveness and failure to recognize defendants’ compliance with Rule 2.B of Your Honor’s Individual Practices, AT&T joins Apple in respectfully renewing defendants’ request that the Court hold a pre-motion conference to establish a schedule for briefing defendants’ contemplated motions to dismiss the

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Complaint. With the Court's permission, AT&T and Apple are prepared to file their motions on or before January 25, 2008.

Respectfully submitted,

s/ David J. Antczak  
David J. Antczak

DJA:kk

cc: C. Jean Wang, Esquire (via ECF)  
Michael B. Miller, Esquire (via ECF)  
Daniel A. Sasse, Esquire, Crowell & Moring LLP (via e-mail)