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January 2, 2008

**Via ECF and Federal Express**

Honorable E. Thomas Boyle  
United States District Court  
Eastern District of New York  
Long Island Federal Courthouse  
100 Federal Plaza  
Central Islip, New York 11722

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

Dear Judge Boyle:

The undersigned represent the defendants in the above-referenced action. We write jointly to request an adjournment on the initial scheduling conference currently scheduled for January 11, 2008. The grounds for defendants' request are as follows:

Defendants' counsel attempted on multiple occasions to speak with plaintiff's counsel, C. Jean Wang, on the telephone in preparation for the scheduling conference and pursuant to the Court's October 1, 2007 Order and the Federal Rules of Civil Procedure. Defendants' efforts to contact Ms. Wang and to schedule a meet and confer session included telephone calls in October and November, additional telephone calls on December 12, 14, 21 and 24 (in response to a fax from Ms. Wang received 22 minutes prior to that call); faxed and e-mailed letters on December 17, 21 and 24; and an e-mail message on December 24. Ms. Wang, however, has yet to return any of these calls or respond to our letters and messages. Indeed, we called Ms. Wang twice today and were again unsuccessful in our attempts to speak with her.

In addition, defendants have submitted pre-motion conference letters to Judge Wexler seeking a briefing schedule on defendants' anticipated motions to dismiss plaintiff's Complaint in its entirety pursuant to Federal Rule of Civil Procedure 12(b)(6). *See* Docket Nos. 6 and 7, filed on December 5 and 6, 2007, respectively. Plaintiff has not responded at all to these letters, notwithstanding her obligation to do so under Judge Wexler's Individual Practices. Defendants therefore have asked Judge Wexler to set a schedule for briefing their contemplated motions to dismiss. *See* Docket Nos. 11 and 13, filed on December 24 and 28, 2007, respectively.

Given plaintiff's non-responsiveness and defendants' plan to file motions that would seek dismissal of this entire action, defendants respectfully request that the Court

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adjourn the initial scheduling conference to a date thirty days after Judge Wexler rules on the motions to dismiss.

Defendants appreciate the Court's consideration of this matter.

Respectfully submitted,

s/ David J. Antczak  
David J. Antczak  
Counsel for Defendant AT&T Inc.

s/ Michael B. Miller  
Michael B. Miller  
Counsel for Defendants Apple Inc.  
and Steve Jobs

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