Doc. 11

Case 2:04-cv-00159-DF

Document 11

Filed 05/17/2004

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FILEO-CLERK IN THE UNITED STATES DISTRICT COURT 1 3. DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS OL MAY 17 PM 1: 20 MARSHALL DIVISION

Compression Labs, Incorporated,	§	TX EASTERN-MARSHALL
Plaintiff,	§ § 8	CASE NO. 2:04CV-159 (TJW)
VS.	\$ \$ 8	JURY UNOPPOSED/AGREED
1. Dell Incorporated,	§	
2. International Business Machines	§	
Corporation,	§	
3. Toshiba America, Incorporated,	§	
	§	
Defendants.	§	

AGREED MOTION FOR EXTENSION OF TIME FOR DEFENDANT, TOSHIBA AMERICA, INCORPORATED, TO FILE ITS ANSWER OR OTHERWISE RESPOND TO PLAINTIFF'S ORIGINAL COMPLAINT

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Toshiba America, Incorporated, one of the Defendants herein, and files this Agreed Motion for Extension of Time to Answer or Otherwise Respond to Plaintiff's Original Complaint and in support of same would show the Court as follows:

I.

Defendant, Toshiba America, Incorporated, hereby requests additional time in which to answer or otherwise respond to this suit, up to and including July 6, 2004. Defendant, Toshiba America, Incorporated, would further show that Plaintiff's counsel has agreed to the requested extension.

II.

WHEREFORE, PREMISES CONSIDERED, Defendant, Toshiba America, Incorporated, respectfully moves the Court to extend the time for Toshiba America, Incorporated to file its answer or otherwise respond to Plaintiff's Original Complaint up to and including July 6, 2004, and award the parties such and other further relief as they may show themselves justly entitled.

Respectfully submitted,

Bv:

lenry Bursow

CA State Bar No. 60707

Howrey Simon Arnold & White, LLP

525 Market Street, Suite 3600

San Francisco, CA 94105

Telephone: (415) 848-4900 Facsimile: (415) 848-4999 Email: bunsowh@howrey.com

ATTORNEYS FOR DEFENDANT, TOSHIBA AMERICA, INCORPORATED

CERTIFICATE OF CONFERENCE

I hereby certify that I spoke with Plaintiff's counsel, Mr. S. Calvin Capshaw, on May 14, 2004, and was advised that he agreed to the extension of time to answer.

Henry Bunsow

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of May, 2004, I sent a true and correct copy of the above and foregoing document by facsimile to the following counsel of record:

Mr. Stephen G. Rudisill Jenkens & Gilchrist 225 West Washington St., Suite 2600 Chicago, IL 60606

Mr. Franklin Jones, Jr. Jones & Jones, Inc., P.C. P. O. Drawer 1249 Marshall, TX 75671-1249

Mr. Otis Carroll Ireland, Carroll & Kelley, P.C. P. O. Box 7879 Tyler, TX 75711

Mr. S. Calvin Capshaw Brown McCarroll, L.L.P. P. O. Box 3999

Longview, TX 75606-3999

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Henry Bunsow

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IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS MARSHALL DIVISION

Compression Labs, Incorporated,	§	
Plaintiff,	§ §	CASE NO. 2:04CV-159 (TJW)
VS.	§ §	JURY
1. Dell Incorporated,	§ §	UNOPPOSED/AGREED
2. International Business Machines Corporation,	§ 8	
3. Toshiba America, Incorporated,	\$ \$	
Defendants.	§ §	

AGREED ORDER

On this day came on to be heard the Agreed Motion to Extend Deadline for Defendant Toshiba America, Incorporated to file its Answer or otherwise respond, and after considering the Motion, the Court is of the opinion that the Agreed Motion should be GRANTED.

IT IS HEREBY ORDERED that the deadline for Defendant's, Toshiba America, Incorporated, to answer or otherwise respond is extended up to and including July 6, 2004.

SIGNED this the	day of	, 2004.	
	UNITED STATES D	ISTRICT HIDGE	