

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

Actus, LLC	§	
	§	
v.	§	
	§	Civil Action No. 2:09-cv-102
Bank of America Corp.	§	
Blaze Mobile, Inc.	§	
Capital One Financial Corp.	§	Jury Trial Demanded
Enable Holdings, Inc.	§	
Google, Inc.	§	
Green Dot Corp.	§	
Javien Digital Payment Solutions, Inc.	§	
JP Morgan Chase & Co.	§	
Mastercard International, Inc.	§	
Meta Financial Group, Inc.	§	
M&T Bank Corp.	§	
Obopay, Inc.	§	
Sonic Solutions	§	
Visa, Inc.	§	
Vivendi Universal U.S. Holding Co.	§	
Vivendi Universal, SA	§	
Wal-Mart Stores, Inc.	§	
The Walt Disney Co.	§	
The Western Union Co.	§	
Wildtangent, Inc.	§	
Agileco	§	

**DEFENDANT M&T BANK CORP.’S UNOPPOSED MOTION FOR AN ADDITIONAL
EXTENSION OF TIME IN WHICH TO ANSWER, MOVE, OR OTHERWISE
RESPOND TO PLAINTIFF’S FIRST AMENDED COMPLAINT**

Defendant M&T Bank Corp. without waiving any defenses or any matters that might be presented pursuant to FEDERAL RULE OF CIVIL PROCEDURE 12(b) or any other rule or law, files this unopposed motion for an additional extension of time in which to answer, move, or otherwise respond to Plaintiff Actus, LLC’s First Amended Complaint and would respectfully show the Court as follows:

M&T Bank Corp. has requested and Plaintiff has agreed to a fourteen (14) day extension of M&T Bank Corp.'s time to respond in any manner whatsoever including answer, motion or other pleading of any type to Plaintiff's First Amended Complaint. Specifically, M&T Bank Corp. requests, and Plaintiff does not oppose, an extension of time up to and including August 24, 2009.

A proposed Order granting this unopposed motion is attached for the Court's convenience.

Dated: August 10, 2009

Respectfully submitted,

By: /s/ Michael E. Jones
Michael E. Jones
State Bar No. 10929400
POTTER MINTON
A Professional Corporation
110 N. College, Suite 500 (75702)
P. O. Box 359
Tyler, Texas 75710
(903) 597 8311
(903) 593 0846 (Facsimile)
mikejones@potterminton.com

ATTORNEYS FOR DEFENDANT
M&T BANK CORP.

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this the 10th day of August, 2009. Any other counsel of record will be served by first class U.S. mail on this same date.

/s/ Michael E. Jones
Michael E. Jones