

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

ACTUS, LLC,	§	
	§	
Plaintiff,	§	
	§	
VS.	§	Civil Action No: 2:09-cv-102
	§	
BANK OF AMERICA CORP.;	§	
BLAZE MOBILE, INC.;	§	Jury
CAPITAL ONE FINANCIAL CORP.;	§	
ENABLE HOLDINGS, INC.;	§	
GOOGLE, INC.;	§	
GREEN DOT CORP.;	§	
JAVIEN DIGITAL PAYMENT	§	
SOLUTIONS, INC.;	§	
JPMORGAN 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,	§	
Defendants.	§	

UNOPPOSED MOTION FOR EXTENSION OF TIME TO REPLY

COMES NOW Defendant MasterCard International, Inc. (“MasterCard”) and files this Unopposed Motion for Extension of Time to Reply to Plaintiff’s Response to Defendants Bank of America Corporation (“Bank of America”), Capital One Financial Corporation (“Capital One”), Enable Holdings, Inc. (“Enable Holdings”), Green Dot Corp. (“Green Dot”), JPMorgan Chase & Co. (“JPMorgan”), MasterCard International Incorporated (“MasterCard”), Meta Financial Group, Inc.

("Meta"), M&T Bank Corp. ("M&T"), and Visa Inc. ("Visa") (collectively, the "Moving Defendants") Motion to Dismiss:

Defendants filed their motion to dismiss on September 8, 2009. (Dkt. 188) Pursuant to the Court's September 24, 2009 Order (Dkt. 202) Actus, LLC responded to the Moving Defendants Motion to Dismiss on October 14, 2009 (Dkt. 207). MasterCard respectfully requests additional time for the Moving Defendants to file their reply up to and including November 18, 2009. This extension is not for purposes of delay but to allow adequate time to respond. Counsel for MasterCard conferred with counsel for Actus and they do not oppose the relief requested herein.

DATED: November 2, 2009

Respectfully submitted,

By: /s/ Elizabeth L. DeRieux

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Attorneys for Defendant
MasterCard International, Inc.

CERTIFICATE OF CONFERENCE

I certify that I have complied with the meet and confer requirement in Local Rule Cv-7(H) and this motion is unopposed.

/s/ Elizabeth L. DeRieux
Elizabeth L. DeRieux

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served this 2nd day of November, 2009, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ Elizabeth L. DeRieux