

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

McAFEE, INC.

Plaintiff,

v.

WILMER, CUTLER, PICKERING, HALE  
AND DORR, L.L.P

Defendant.

**JURY REQUESTED**

**No. 4:08-cv-160 MHS-DDB**

**UNOPPOSED MOTION FOR LEAVE  
TO FILE REPSONSE TO DEFENDANT'S MOTION TO  
STRIKE SECOND AMENDED COMPLAINT UNDER RULE 15(a)(2)**

COMES NOW, McAfee, Inc. ("Plaintiff") and files this Unopposed Motion for Leave to File its Response to Defendant's Motion to Strike Second Amended Complaint Under Rule 15(a)(2) and shows as follows:

1. Defendant filed its Motion to Strike Second Amended Complaint Under Rule 15(a)(2) on June 9, 2008.
2. Pursuant to Eastern District Local Rule CV-7(e) Plaintiff's deadline to file a response was yesterday, June 24, 2008.
3. Due to a clerical error, Plaintiff's response date was not calendared correctly. This error was discovered on the eve of Plaintiff's deadline.
4. Plaintiff respectfully requests leave to file its Response one day after the deadline for filing that response.
5. This request for leave is due to excusable neglect and this request is brought in good faith. Defendant will not be prejudiced by allowing this response to be filed one-day after it was initially due.

**Dated: June 25, 2008**

Respectfully submitted,

*/s/ Martin E. Rose*

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**Attorney-In-Charge**

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**ATTORNEYS FOR PLAINTIFF  
MCAFEE, INC.**

**CERTIFICATE OF CONFERENCE**

I certify that I conferred via telephone on June 25, 2008, with opposing counsel, Shawn Bates of Yetter & Warden. The Motion is unopposed.

*/s/ Lynda Lee Weaver*  
\_\_\_\_\_  
Lynda Lee Weaver

**CERTIFICATE OF SERVICE**

I hereby certify that pursuant to the Federal Rules of Civil Procedure a true and correct copy of the above and foregoing was forwarded to all counsel of record on this 25<sup>th</sup> day of June, 2008.

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*/s/ Lynda Lee Weaver*  
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