

[illegible]

ESN has used its best efforts to limit the number of pages in its reply brief. However the significance of the additional facts uncovered during the course of discovery that the Court permitted in relation to ESN's motion and Cisco's related motion to dismiss, which included five depositions and the production of documents from third-party Tyne Mobility, Inc., d/b/a Iperia, Cisco's trial counsel (Quinn Emanuel) and the individual representatives of Iperia, required substantial explanation and discussion in ESN's reply.

For the reasons stated herein, ESN respectfully requests that the Court grant ESN's Unopposed Motion For Leave to Exceed the Page Limitation Set Forth in Local Rule CV-7 by six pages, for a total of 11 pages.

Respectfully submitted,

FOR PLAINTIFF, ESN, LLC:

/s/ T. John Ward, Jr.  
Eric M. Albritton  
Lead Attorney  
Texas State Bar No. 00790215  
ALBRITTON LAW FIRM  
P.O. Box 2649  
Longview, Texas 75606  
Telephone (903) 757-8449  
Facsimile (903) 758-7397  
ema@emafirm.com

T. John Ward, Jr.  
Texas State Bar No. 00794818  
Ward & Smith Law Firm  
111 W. Tyler St.  
Longview, Texas 75601  
Telephone (903) 757-6400  
Facsimile (903) 757-2323  
jw@jwfirm.com

George P. McAndrews  
Thomas J. Wimbiscus  
Peter J. McAndrews  
Gerald C. Willis  
Paul W. McAndrews  
Heather A. Bjella  
Matthew N. Allison  
McAndrews, Held & Malloy, Ltd.  
500 W. Madison Street, 34<sup>th</sup> Floor  
Chicago, Illinois 60661  
Telephone (312) 775-8000  
Facsimile (312) 775-8100  
pmcandrews@mcandrews-ip.com

### **CERTIFICATE OF CONFERENCE**

Pursuant to Local Rule CV-7(h), T. John Ward, Jr., counsel for ESN, conferred with Mike Jones, counsel for Cisco, regarding the instant motion. Cisco does not oppose Plaintiff's Unopposed Motion for Leave to File a Brief in Excess of the Page Limitation Set Forth in Local Rule CV-7.

Dated: July 31, 2009                      By: /s/ T. John Ward, Jr.  
T. John Ward, Jr

### **CERTIFICATE OF SERVICE**

I hereby certify that the individuals listed below were served with Plaintiff's Unopposed Motion for Leave to File a Brief in Excess of the Page Limitation Set Forth in Local Rule CV-7 by email and via the Court's Electronic Filing System on the date stated herein.

Michael Jones  
110 N. College, Suite 500  
P.O. Box 359  
Tyler, Texas 75710  
[mikejones@potterminton.com](mailto:mikejones@potterminton.com)

Charles K Verhoeven  
Quinn Emanuel Urquhart Oliver & Hedges, LLP  
50 California St., 22<sup>nd</sup> Floor  
San Francisco, CA 94111  
[charlesverhoeven@quinnemanuel.com](mailto:charlesverhoeven@quinnemanuel.com)

Victoria F. Maroulis  
Quinn Emanuel Urquhart Oliver & Hedges, LLP  
555 Twin Dolphin Dr., Suite 560  
Redwood Shores, CA 94065  
[victoriamaroulis@quinnemanuel.com](mailto:victoriamaroulis@quinnemanuel.com)

Date: July 31, 2009                      /s/ T. John Ward, Jr.  
T. John Ward, Jr.