

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

ESN, LLC,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 5:08-cv-20-DF
)	
CISCO SYSTEMS, INC., and)	JURY TRIAL DEMANDED
CISCO-LINKSYS, LLC,)	
)	
Defendants.)	

DEFENDANTS' UNOPPOSED MOTION TO EXTEND DEFENDANTS' BRIEFING DEADLINES

Defendants Cisco Systems, Inc. and Cisco-Linksys, LLC (collectively "Cisco") move for an extension of time in which to file their reply brief regarding their Motion to Dismiss and to file their sur-reply in opposition to Plaintiff's Motion to Disqualify Counsel. In support of this Motion, Cisco would show the Court as follows:

Cisco filed its Motion to Dismiss and Plaintiff filed its Motion to Disqualify on April 24, 2009. On April 20, 2009, ESN moved to stay the briefing schedule on Cisco's Motion to Dismiss. On May 12, 2009, this Court entered an Order allowing ESN additional time to take discovery and setting a due date of July 17, 2009 for its Opposition to Cisco's Motion to Dismiss. On July 1 and 2, 2009, Plaintiff moved for additional time to file its Opposition to Cisco's Motion to Dismiss and Reply in Support of its Motion to Disqualify, respectively. This Court granted these requests, allowing ESN until July 31, 2009 for both filings. Plaintiff filed these briefs on July 31, 2009. In its Opposition to Cisco's Motion to Dismiss, ESN submitted the declaration of Richard Connaughton. Cisco now seeks an extension of time to file its Reply in

Support of its Motion to Dismiss and Sur-reply in Opposition to Plaintiff's Motion to Disqualify Counsel.

In order to have an adequate opportunity to depose Mr. Connaughton and to have an adequate opportunity to evaluate and utilize the deposition testimony obtained, Cisco respectfully requests that the Court extend the deadline for filing its Reply in Support of Its Motion to Dismiss and its Sur-Reply in Opposition to ESN's Motion to Disqualify Counsel until the earlier of: (1) fourteen days after the deposition of Richard Connaughton is taken; or (2) September 15, 2009. This request is without prejudice to Cisco's right to move for a further extension if Mr. Connaughton is unable or unwilling to sit for a deposition on or prior to September 1, 2009. Plaintiff does not oppose the requested extension.

DATED: August 6, 2009

Respectfully submitted,

By /s/ Kevin A. Smith

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CERTIFICATE OF SERVICE

I hereby certify that on the date this proof of service is signed below, I served the foregoing:

DEFENDANTS' UNOPPOSED MOTION TO EXTEND DEFENDANTS' BRIEFING DEADLINES

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