

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)	
CISCO-LINKSYS, LLC,)	
)	
Defendants.)	

PLAINTIFF’S UNOPPOSED MOTION FOR LEAVE TO FILE A REPLY BRIEF IN EXCESS OF THE PAGE LIMITATION SET FORTH IN LOCAL RULE CV-7

ESN, LLC (“ESN”) respectfully moves for leave of Court to file a reply brief in support of its claim construction of the disputed claim terms of U.S. Patent No. 7,283,519 (“the ‘519 Patent”) being asserted in this action. According P.R. 4-5(e), the page limitations governing claim construction briefing are the same as those for dispositive motions pursuant to Local Rule CV-7(a). Local Rule CV-7(a)(1) limits reply briefs to ten pages. ESN is requesting leave to exceed the page limitation by five pages, for a total of 15 pages.

ESN has used its best efforts to limit the number of pages in its reply brief, but has been unable to do so. The reasons that ESN needs to exceed the ten-page limit are twofold. First, there are 13 claim terms and/or phrases that need to be addressed in the Reply. Second, a significant amount of space is taken up by incorporating a table of each party’s proposed construction for each of the disputed terms and/or phrases. ESN believes that having each party’s proposed construction side-by-side will significantly assist the Court in understanding

each argument as it relates to that disputed claim term. Unfortunately, the tables take up a significant amount of space in the brief.

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 five pages, for a total of 15 pages.

Respectfully submitted,

FOR PLAINTIFF, ESN, LLC:

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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.

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Date: May 1, 2009

/s/ Gerald C. Willis
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CERTIFICATE OF CONFERENCE

I hereby certify that counsel for ESN has complied with the meet and confer requirement in Local Rule CV-7(h).

The personal conference required by Local Rule CV-7 was conducted via telephone on May 1, 2009 between trial counsel for ESN (Gerald C. Willis), and trial counsel for Cisco (Victoria Maroulis). Counsel for Cisco indicated that they do not oppose this motion.

Dated: May 1, 2009

By: /s/ Gerald C. Willis
Gerald C. Willis