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

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

## PLAINTIFF'S UNOPPOSED MOTION TO EXTEND PLAINTIFF'S DEADLINE TO RESPOND TO DEFENDANTS' MOTION TO DISMISS

Plaintiff ESN, LLC moves for an extension of time in which to file its opposition to Cisco's Motion to Dismiss for Lack of Subject Matter Jurisdiction ("Motion to Dismiss") (Dkt. No. 71) and to file its reply brief regarding ESN's Motion to Disqualify Counsel and Impose Sanctions ("Motion to Disqualify") (Dkt. No. 73). In support of this Motion, Plaintiff would show the Court as follows:

On May 12, 2009, the Court entered an Order allowing time for discovery and setting a due date of July 17, 2009 for Plaintiff's opposition to the Motion to Dismiss and Plaintiff's reply to the Motion to Disqualify. The parties have attempted to conduct discovery in a timely manner. During the last two weeks, counsel for Plaintiff, Defendants and a third party, Iperia, Inc., have diligently attempted to schedule various depositions that Plaintiff believes are necessary to adequately respond to the Motion to Dismiss. The parties have reached agreements concerning those depositions, but Plaintiff is unable to complete all depositions prior to July 15, 2009. In order to have an adequate opportunity to evaluate and utilize the deposition testimony

obtained in the next two weeks, Plaintiff respectfully requests that the Court extend the deadline for filing its opposition to the Motion to Dismiss and reply regarding the Motion to Disqualify from July 17, 2009 until and including July 31, 2009. The Defendants do not oppose the requested extension.

Respectfully submitted,

## FOR PLAINTIFF, ESN, LLC:

/s/ 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
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 SERVICE**

I hereby certify that a copy of the foregoing document was filed electronically in compliance with Local Rule CV-5(a). Therefore, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email on this the 1<sup>st</sup> day of July, 2009.

/<u>s/ John Ward, Jr.</u> T. John Ward, Jr.