

Dated: December 23, 2008

Respectfully submitted,

/s/ Stefani C. Smith

Matthew D. Powers

Lead Attorney

Steven S. Cherensky

Sonal N. Mehta (*Pro Hace Vice*)

Stefani C. Smith (*Pro Hac Vice*)

WEIL, GOTSHAL & MANGES LLP

201 Redwood Shores Parkway

Redwood Shores, CA 94065

650-802-3000 (Telephone)

650-802-3100 (Facsimile)

matthew.powers@weil.com

steven.cherensky@weil.com

sonal.mehta@weil.com

stefani.smith@weil.com

Eric M. Albritton

Texas State Bar No. 00790215

ALBRITTON LAW FIRM

P.O. Box 2649

Longview, Texas 75606

903-757-8449 (Telephone)

903-758-7397 (Facsimile)

ema@emafirm.com

Attorneys for Apple, Inc.

/s/ Garland T. Stephens (w/ permission)

FISH & RICHARDSON PC-Houston

1221 McKinney Street, Ste 2800

Houston, TX 77010

713-652-0115 (Telephone)

713-652-0109 (Facsimile)

stephens@fr.com

Withdrawing Attorney for Apple, Inc.

CERTIFICATE OF CONFERENCE

I certify that I have satisfied the “meet and confer” requirements of Local Rule CV-7(h), and the counsel of record in this matter are not opposed to the relief sought in this Motion.

/s/ Stefani C. Smith
Stefani C. Smith

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was filed electronically in compliance with Local Rule CV-5 on this 23rd day of December, 2008. As of this date, all counsel of record have consented to electronic service and are being served with a copy of this document through the Court’s CM/ECF system under Local Rule CV-5(a)(3)(A).

/s/ Stefani C. Smith
Stefani C. Smith