

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

Klausner Technologies, Inc.,  
a New York corporation,

Plaintiff,

vs.

Verizon Wireless (Cellco Partnership d/b/a Verizon Wireless), a Delaware general partnership; Verizon Data Services LLC, a Delaware limited liability company; Bell Atlantic Communications, Inc., a Delaware corporation; Citrix Systems, Inc., a Delaware corporation; Comverse, Inc., a Delaware corporation; Cox Communications, Inc., a Delaware corporation; Embarq Communications, Inc., a Delaware corporation; Google Inc., a Delaware corporation; GrandCentral Communications, Inc., a Delaware corporation; LG Electronics Mobilecomm U.S.A., Inc., a California Corporation; PhoneFusion, Inc., a Delaware corporation; RingCentral, Inc., a California Corporation,

Defendants.

C.A. 6:08-cv-341 (LED)

Demand for Jury Trial.

**AGREED SECOND MOTION FOR EXTENSION OF TIME FOR PLAINTIFF  
KLAUSNER TECHNOLOGIES, INC. TO FILE ITS RESPONSE TO THE VERIZON  
DEFENDANTS' MOTION TO TRANSFER TO THE EASTERN DISTRICT  
OF NEW YORK PURSUANT TO THE FIRST-TO-FILE RULE**

COMES NOW, Plaintiff Klausner Technologies, Inc. seeking the Court's permission for a second extension of time to submit Plaintiff Klausner Technologies, Inc.'s response to The Verizon Defendants' Motion to Transfer to the Eastern District of New York Pursuant to the First-to-File Rule (*See* Dkt. 7) and would respectfully show the Court as follows.

The Verizon Defendants' filed their Motion to Transfer to the Eastern District of New York Pursuant to the First-to-File Rule (*See* Dkt. 7) on August 29, 2008. The current deadline for Plaintiff Klausner Technologies, Inc. to respond is October 15, 2008. Plaintiff Klausner Technologies, Inc. has requested an additional extension up to and including October 27, 2008 to file its response. This extension of time is not being sought for the purpose of delay, but only for the reason that the parties are engaged in settlement discussions and such an extension will promote settlement. The Verizon Defendants do not oppose this motion.

WHEREFORE, Plaintiff Klausner Technologies, Inc. respectfully prays that the Court grant this Motion and permit Plaintiff Klausner Technologies, Inc. a second extension of time to respond to The Verizon Defendants' Motion to Transfer to the Eastern District of New York Pursuant to the First-to-File Rule up to and including October 27, 2008.

Dated: October 10, 2008

Respectfully submitted,

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**ATTORNEYS FOR PLAINTIFF,  
KLAUSNER TECHNOLOGIES, INC.**

**CERTIFICATE OF SERVICE**

This is to certify that all counsel of record who are deemed to have consented to electronic service are being served this 10<sup>th</sup> day of October, 2008, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served via electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ Elizabeth L. DeRieux  
Elizabeth L. DeRieux