

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

EMG TECHNOLOGY, LLC

Plaintiff,

v.

APPLE INC.,

Defendant.

CASE NO. 6:08 CV 447

NOTICE OF APPEARANCE OF COUNSEL

Defendant Apple Inc. files this Notice of Appearance of Counsel to notify the Court that David J. Healey of the law firm Fish & Richardson P.C., located at One Houston Center, 1221 McKinney, Suite 2800, Houston, Texas 77010, is appearing as Lead Attorney for Apple Inc. in the above-referenced matter. All pleadings, discovery, correspondence, and other materials may be served upon counsel at the above-referenced physical address or at healey@fr.com for the purposes of Local Rule CV-5.

Dated: December 10, 2008

Respectfully submitted,

FISH & RICHARDSON P.C.

By: /s/ David J. Healey

David J. Healey

Lead Attorney

State Bar No. 09327980

FISH & RICHARDSON P.C.

One Houston Center

1221 McKinney, Suite 2800

Houston, Texas 77010

Tel: (713) 652-0115

Fax: (713) 652-0109

E-mail: healey@fr.com

ATTORNEY FOR DEFENDANT
APPLE INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served by e-mail via the Eastern District of Texas ECF System to all counsel of record on December 10, 2008.

/s/ David J. Healey

DAVID J. HEALEY