

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

**EMG TECHNOLOGY, LLC,**

*Plaintiff,*

v.

**APPLE, INC., AMERICAN  
AIRLINES, INC., BLOOMBERG,  
L.P., CONTINENTAL AIRLINES,  
INC., UNITED PARCEL SERVICE,  
INC.**

*Defendants.*

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**Civil Action No. 6:08-cv-447 (LED)**

**Jury Trial Demanded**

**MOTION TO MODIFY THE DISCOVERY ORDER**

Section 1 of the Court's July 20, 2009 Discovery Order (Dkt #99) requires each party without awaiting a discovery request, to disclose to every other party certain information (e.g., the correct names of the parties to the lawsuit; the name, address, and telephone number of any potential parties and other information). Discovery Order, Section 1 (Dkt. #99).

Continental requests a seven (7) additional extension to comply with Section 1 of that Order. Steven Boyd for Continental has conferred with Mr. Charles Ainsworth, representing EMG on this matter. In that conference, Mr. Ainsworth indicated that EMG does not oppose this extension. A proposed order is attached.

Dated: September 3, 2009

Respectfully submitted,

By: /s/ Steven S. Boyd

Robert J. McAughan, Jr.

Texas Bar No. 00786096

[bmcaughan@lockelord.com](mailto:bmcaughan@lockelord.com)

Steven Boyd

Texas Bar No. 24001775

[sboyd@lockelord.com](mailto:sboyd@lockelord.com)

Jeffrey A. Andrews

Texas Bar No. 24050227

[jandrews@lockelord.com](mailto:jandrews@lockelord.com)

LOCKE LORD BISSELL & LIDDELL LLP

600 Travis Street, Suite 3400

Houston, Texas 77002

Telephone: (713) 226-1200

Facsimile: (713) 223-3717

*Attorneys for Defendant*

*Continental Airlines, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that all the counsel of record, who are deemed to have consented to electronic service are being served this September 3, 2009, 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 by electronic mail, facsimile transmission, and/or first class mail on this same date.

By: /s/ Steven S. Boyd  
(Printed name of signer)