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

EMG TECHNOLOGY, LLC,	§	
	§	
Plaintiff,	§	
v.	§	Civil Action No. 6:08-cv-447 (LED)
	§	
APPLE, INC., AMERICAN	§	Jury Trial Demanded
AIRLINES, INC., BLOOMBERG,	§	·
L.P., CONTINENTAL AIRLINES,	§	
INC., UNITED PARCEL SERVICE,	§	
INC.	§	
	§	
Defendants.	§	

SECOND 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).

On September 4, 2009, the Court considered Continental's Unopposed Motion to Modify the Discovery Order (Dkt. #118) and granted Continental seven (7) additional days from the entering of that Order (Dkt. 121) to comply with Section 1 of the Discovery Order.

Continental and EMG are diligently working to resolve the matters between them, have had a direct face-to-face meeting, and believe that it is likely that the claims between them will be formally resolved within the next week. Accordingly, Continental respectfully requests seven (7) additional days to allow Continental to comply with Section 1 of the Discovery Order. Mr. Robert McAughan for Continental has conferred with Mr. Charles Ainsworth for EMG on

September 10, 2009 on this issue. In that conference, Mr. Ainsworth indicated that EMG does not oppose this additional extension. A proposed order is attached.

Dated: September 10, 2009 Respectfully submitted,

By: /s/ Steven S. Boyd
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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 10, 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)