

**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.,
UNITED PARCEL SERVICE, INC.,
DELL, INC.

Defendants.

Case No. 6:08-cv-447-LED

JURY TRIAL DEMANDED

**AGREED MOTION TO MODIFY THE DOCKET
CONTROL AND DISCOVERY ORDERS**

The Court's July 20, 2009 Docket Control Order states that Defendants shall comply with P.R. 3-3 and P.R. 3-4 by August 21, 2009. (Dkt. #100). The Court has subsequently granted motions so that Defendants must now comply with P.R. 3-3 and P.R. 3-4 by October 14, 2009. (*See* Dkt. #145). The parties have met and conferred and agreed that it is in each of their interests to further extend the date by which Defendants must comply with P.R. 3-3 and P.R. 3-4 until October 28, 2009.

In addition, the Court's July 20, 2009 Discovery Order (Dkt. #99) specifies that (1) Plaintiff is to produce documents relevant to any claim for relief or defensive matter other than those addressed in the Patent Rules (paragraph 2.B.), (2) Defendants will begin rolling document production (paragraph 2.C.i.), and (3) the parties will produce a complete computation of any category of damages (paragraph 2.D.) by October 19, 2009. The parties have further agreed that it is in each of their interests to extend the date by which (1) Plaintiff must produce documents under paragraph 2.B. of the Discovery Order, (2) Defendants must begin rolling document

production under paragraph 2.C.i. of the Discovery Order, and (3) the parties must produce a complete computation of any category of damages under paragraph 2.D. of the Discovery Order to November 2, 2009.

Accordingly, the parties respectfully request that the Court modify the Docket Control Order so that the date by which Defendants must comply with P.R. 3-3 and P.R. 3-4 is extended from October 14, 2009 to October 28, 2009 and that the Court modify the Discovery Order so that the deadlines for (1) Plaintiff to produce documents under paragraph 2.B. of the Discovery Order, (2) Defendants to begin rolling document production under paragraph 2.C.i. of the Discovery Order, and (3) the parties to produce a complete computation of any category of damages under paragraph 2.D. of the Discovery Order are extended from October 19, 2009 to November 2, 2009.

Dated: October 12, 2009

By: /s/ Jason W. Cook with permission by
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CERTIFICATE OF SERVICE

I hereby certify that all counsel of record, who are deemed to have consented to electronic service, are being served this 12th day of October, 2009, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Jason Bonilla
JASON BONILLA