

**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

**JOINT MOTION OF PLAINTIFF EMG TECHNOLOGY, LLC AND DEFENDANT
BLOOMBERG, L.P. FOR DISMISSAL WITH PREJUDICE**

Pursuant to Federal Rule of Civil Procedure 41(a)(2) and a confidential settlement agreement between Plaintiff EMG Technology, LLC (“EMG”) and Defendant Bloomberg, L.P. (“Bloomberg”), EMG and Bloomberg hereby jointly move the Court to dismiss with prejudice all claims between them in this case. EMG and Bloomberg agree that each party shall bear their own fees and expenses.

DATED: October 14, 2009

OF COUNSEL:

JEFFER, MANGELS, BUTLER AND
MARMARO, LLP

Stanley M. Gibson
(Cal. Bar No. 162329)
sng@jmbm.com

Joshua S. Hodas, Ph.D.
(Cal. Bar No. 250812)
jsh@jmbm.com

1900 Avenue of the Stars, Seventh Floor
Los Angeles, CA 90067
Telephone: (310) 203-8080

MANATT, PHELPS & PHILLIPS, LLP

Robert D. Becker
(Cal. Bar No. 160648)
rbecker@manatt.com

Shawn G. Hansen
(Cal. Bar No. 197033)
shansen@manatt.com

1001 Page Mill Road, Building 2
Palo Alto, CA 94304
Telephone: (650) 812-1300

Respectfully submitted,

By: /s/ Charles Ainsworth

Charles Ainsworth
State Bar No. 00783521
Robert Christopher Bunt
State Bar No. 00787165
PARKER, BUNT & AINSWORTH, P.C.
100 E. Ferguson, Suite 1114
Tyler, TX 75702
(903) 531-3535
E-mail: charley@pbatyler.com
E-mail: rcbunt@pbatyler.com

**ATTORNEYS FOR PLAINTIFF,
EMG TECHNOLOGY, LLC**

By: /s/ Elizabeth L. DeRieux with permission by
Charles Ainsworth

Elizabeth L. DeRieux
Texas Bar No. 05770585
S. Calvin Capshaw
Texas Bar No. 03783900
Daymon Jeffrey Rambin
Texas Bar No. 00791478
CAPSHAW DERIEUX LLP
1127 Judson Road, Suite 220
P.O. Box 3999 (75606-3999)
Longview, Texas 75601-5157
Tel: 903-236-9800
Fax: 903-236-8787
E-mail: ederieux@capshawlaw.com
E-mail: ccapshaw@capshawlaw.com
E-mail: jrambin@capshawlaw.com

OF COUNSEL:

John M. DiMatteo

Kelsey I. Nix

WILLKIE FARR & GALLAGHER LLP

787 Seventh Avenue

New York, NY 10019

Tel: 212-728-8000

Fax: 212-728-8111

Email: jdimatteo@willkie.com

Email: knix@willkie.com

**ATTORNEYS FOR DEFENDANT,
BLOOMBERG, L.P.**

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record, who are deemed to have consented to electronic service, are being served this 14th day of October, 2009, with a copy of this document via the Court's CM/ECF system under Local Rule CV-5(a)(3).

/s/ Charles Ainsworth
Charles Ainsworth

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