

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

EMG TECHNOLOGY, LLC,  
Plaintiff,

v.

APPLE INC.,  
AMERICAN AIRLINES, INC.,  
DELL, INC.,  
HYATT CORPORATION,  
MARRIOTT INTERNATIONAL, INC., &  
BARNES & NOBLE, INC.,

Defendants.

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

**JURY TRIAL DEMANDED**

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

CAME ON TO BE CONSIDERED defendants Apple Inc. and American Airlines, Inc.'s Agreed Motion to Modify the Docket Control and Discovery Orders. After consideration, the Court finds that the motion is meritorious and should be GRANTED. It is therefore ORDERED that defendants Apple Inc. and American Airlines, Inc.'s Agreed Motion to Modify the Docket Control and Discovery Orders is hereby in all things GRANTED and that:

- A. the Docket Control Order is modified so that the date by which defendants Apple and American must comply with P.R. 3-3 and P.R. 3-4 is extended from October 28, 2009 to November 11, 2009;
- B. the Discovery Order is modified so that the dates by which (1) plaintiff EMG must produce documents to Apple and American under paragraph 2.B. of the Discovery Order, (2) defendants Apple and American must begin rolling document production under paragraph 2.C.i. of the Discovery Order, and (3) plaintiff EMG and defendants Apple and American must produce to each other a complete computation of any category of

damages under paragraph 2.D. of the Discovery Order are extended from November 2, 2009 to November 16, 2009; and

- C. the Discovery Order is modified so that the dates by which (1) defendants Apple and American shall complete their production of documents, data compilations and tangible things in their respective possession, custody, or control that are relevant to their respective pleaded claims or defenses (except for email and source code) under paragraph 2.C.iii. of the Discovery Order, and (2) plaintiff EMG and defendants Apple and American exchange privilege logs with each other under paragraph 5. of the Discovery Order are extended from December 18, 2009 to January 15, 2010.

**So ORDERED and SIGNED this 27th day of October, 2009.**

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS  
UNITED STATES DISTRICT JUDGE**