

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.,

Defendants.

CASE NO. 6:08-cv-447

**JURY TRIAL DEMANDED**

**EMG'S NOTICE OF VOLUNTARY DISMISSAL, WITHOUT PREJUDICE,  
OF THE WEATHER CHANNEL**

Pursuant to Federal Rule of Civil Procedure rule 41(a)(1)(A)(i), Plaintiff EMG Technology, LLC ("EMG") submits this notice of voluntary dismissal, without prejudice, of Defendant, The Weather Channel, which has neither been served, answered, nor filed a motion for summary judgment in this action.

Pursuant to Rule 41(a), no order from this Court is necessary to effect this voluntary dismissal.

DATED: January 12, 2009

Respectfully Submitted,

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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 12<sup>TH</sup> day of January, 2009, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Charles Ainsworth  
CHARLES AINSWORTH