

**IN THE UNITED STATES DISTRICT COURT
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

**DECLARATION OF JOHN R. LANE IN SUPPORT OF APPLE INC.'S MOTION TO
VACATE THE DEADLINES IN THE DOCKET CONTROL AND DISCOVERY
ORDERS AND FOR A CASE MANAGEMENT CONFERENCE**

I, John R. Lane, declare as follows:

1. I am an attorney licensed to practice law in the State of Texas. I am an associate at the law firm of Fish & Richardson P.C., counsel for Apple Inc. in this case. I make these statements based upon my own personal knowledge or the regularly kept files of Fish & Richardson P.C.
2. This declaration is made in support of Apple Inc.'s Motion to Vacate the Deadlines in the Docket Control and Discovery Orders and for a Case Management Conference.
3. Exhibit 1 is a true and correct copy of *Visto Corp. v. Seven Networks, Inc.*, No. 2:03-CV-333-TJW, 2006 WL 3741891 (E.D. Tex. Dec. 19, 2006).

4. Exhibit 2 is a true and correct copy of a November 24, 2008 New York Times article referring to a press release made by Stanley Gibson, Esq., who is counsel for plaintiff EMG Technology, LLC.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 18th day of December, 2009, in Houston, Texas.

By: /s/ John R. Lane
John R. Lane