

# **EXHIBIT B**

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

Defendants.

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

**JURY TRIAL DEMANDED**

**EMG TECHNOLOGY, LLC INITIAL DISCLOSURE STATEMENT**

Pursuant to the Court's Discovery Order and Rule 26(a)(I) of the Federal Rules of Civil Procedure, Plaintiff EMG Technology, LLC. ("EMG") hereby submits this Initial Disclosure Statement.

**GENERAL STATEMENT**

These initial disclosures are based on information reasonably available to EMG at this time. Pursuant to Fed. R. Civ. P. 26(e), EMG may amend or supplement these disclosures based on its continuing investigations and discovery. By making these disclosures, EMG does not represent that it is identifying every document, tangible thing, or witness possibly relevant to this lawsuit. Nor does EMG waive its right to object to discovery on the basis of privilege, work product immunity, relevancy, undue burden or any other valid objections. EMG's disclosures represent a good faith effort to identify information it reasonably believes may be used to support its claims as of this date.

**A. THE CORRECT NAMES OF THE PARTIES**

The correct name of the disclosing plaintiff is EMG Technology, LLC. EMG believes that the correct name of the defendants are APPLE INC., AMERICAN AIRLINES, INC., BLOOMBERG, L.P., CONTINENTAL AIRLINES, INC., UNITED PARCEL SERVICE, INC., and DELL, INC.

**B. POTENTIAL PARTIES**

The Discovery Order calls for the disclosure of "the name, address, and telephone number of any potential parties." EMG is not currently aware of any potential parties to the lawsuit.

**C. LEGAL THEORIES**

In addition to those theories set forth in EMG's pleadings, EMG generally states that APPLE INC., AMERICAN AIRLINES, INC., BLOOMBERG, L.P., CONTINENTAL AIRLINES, INC., UNITED PARCEL SERVICE, INC., and DELL, INC. infringes the properly construed, valid claims of the asserted patents. EMG's contentions in this regard have been produced in accordance with Patent Rule 3-1.

**D. PERSONS HAVING KNOWLEDGE OF RELEVANT FACTS**

The Discovery Order calls for the disclosure of "the name, address, and telephone number of persons having knowledge of relevant facts, a brief statement of each identified person's connection with the case, and a brief, fair summary of the substance of the information known by such person." Pursuant to these requirements, EMG hereby makes the following disclosures. Based on EMG's current information, the following individuals may have discoverable information that may be used to support EMG's claims in this action. In making

these disclosures, EMG does not waive its rights to object, pursuant to the applicable local and federal rules, including but not limited to attorney-client privilege and work-product immunity, to the deposition testimony or trial testimony of any of the individuals listed below.

EMG does not authorize any party to communicate with EMG's current or former employees, representatives, or agents who may have company confidential or privileged information, or authorize any communications otherwise prohibited by all the applicable rules of professional conduct.

Any individual identified in this disclosure as EMG's current or former employee, representative or agent should be contacted through EMG undersigned attorneys.

Name	Address	Subject Matter
Elliot Gottfurcht	1018 Hartzell Pacific Palisades, CA 90272	Invention and technology of U.S. Patent No.7,020,845 and 7,441,196
Grant E. Gottfurcht	1018 Hartzell Pacific Palisades, CA 90272	Invention and technology of U.S. Patent No.7,020,845 and 7,441,196
Albert Michael C. Long	5 Cannes, Irvine, CA 92614	Invention and technology of U.S. Patent No.7,020,845 and 7,441,196

In addition, EMG also identifies all witnesses designated in the Initial Disclosure Statement of APPLE INC., AMERICAN AIRLINES, INC., BLOOMBERG, L.P., CONTINENTAL AIRLINES, INC., UNITED PARCEL SERVICE, INC., and DELL, INC.. EMG also believes that persons whose names arise as part of discovery in this action, as well as various corporate representatives of APPLE INC., AMERICAN AIRLINES, INC., BLOOMBERG, L.P., CONTINENTAL AIRLINES, INC., UNITED PARCEL SERVICE,

INC., and DELL, INC., may have discoverable information supporting EMG's claims. EMG expressly reserves the right to identify and call as witnesses additional persons if, during the course of discovery and investigation relating to this case, it learns that such additional persons have knowledge of facts supporting or rebutting material allegations in the pleadings. Also, EMG reserves the right to supplement, amend or correct all parts of this Initial Disclosure Statement and any production made pursuant hereto.

**E. INDEMNIFICATION AND INSURING AGREEMENTS**

EMG does not believe it has any applicable indemnity or insurance agreements.

**F. SETTLEMENT AGREEMENTS**

EMG is not currently aware of any relevant settlement agreements.

**G. ANY STATEMENT OF ANY PARTY TO THE LITIGATION**

APPLE INC., AMERICAN AIRLINES, INC., BLOOMBERG, L.P., CONTINENTAL AIRLINES, INC., UNITED PARCEL SERVICE, INC., and DELL, INC. have made statements in this litigation at least in the context of the pleadings on file in this action.

Dated: September 3, 2009

Respectfully Submitted,

**OF COUNSEL:**

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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 3<sup>rd</sup> day of September, 2009, with a copy of this document via electronic mail.

*/s/ Charles Ainsworth*  
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CHARLES AINSWORTH