

**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., and
CONTINENTAL AIRLINES, INC.,

Defendants.

CASE NO. 6:08 CV 447 (LED)

JURY TRIAL DEMANDED

**UNOPPOSED MOTION TO EXTEND TIME FOR APPLE INC. TO MOVE, ANSWER
OR OTHERWISE RESPOND TO PLAINTIFF EMG TECHNOLOGY, LLC'S
FIRST AMENDED COMPLAINT**

TO THE HONORABLE JUDGE OF SAID COURT:

I.

NOW COMES, Defendant Apple Inc. ("Apple"), without waiving any defenses described or referred to in F.R.C.P. 12, and moves the Court to extend the time within which Apple is required to move, answer or otherwise respond to Plaintiff's First Amended Complaint to and including March 16, 2009.

II.

Counsel for Apple met and conferred with counsel for Plaintiff, EMG Technology, LLC, on January 15, 2009, and EMG Technology, LLC is unopposed to this request.

III.

Apple seeks this extension of time not for delay but to make its answer date consistent with the other defendants.

WHEREFORE, Apple respectfully prays that the time to answer, move, or otherwise respond to EMG Technology, LLC's First Amended Complaint be extended to and including March 16, 2009.

Dated: January 15, 2009

Respectfully submitted,

FISH & RICHARDSON P.C.

By: /s/ David J. Healey

David J. Healey

Lead Attorney

State Bar No. 09327980

FISH & RICHARDSON P.C.

One Houston Center

1221 McKinney, Suite 2800

Houston, Texas 77010

Tel: (713) 652-0115

Fax: (713) 652-0109

E-mail: healey@fr.com

ATTORNEY FOR DEFENDANT

APPLE INC.

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this 15th day of January, 2009.

/s/ David J. Healey

David J. Healey