

Exhibit D
to the
Declaration Of Shawn G. Hansen
In Support Of Plaintiff EMG Technology, Llc's
Surreply In Opposition To
Defendants' Motion To Transfer

**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

**PLAINTIFF EMG TECHNOLOGY, LLC'S
SUPPLEMENTAL INITIAL DISCLOSURES**

Pursuant to the Court's July 20, 2009 Discovery Order ("Discovery Order") and Fed.R. Civ. P. 26(a)(1), Plaintiff EMG Technology, LLC ("EMG") hereby submits this Supplemental Initial Disclosures Statement. These supplemental disclosures are based on information reasonably discovered through its continuing investigation and discovery.

By making these supplemental 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 supplemental disclosures represent a good faith effort to identify information it reasonably believes may be used to support its case against Defendants.

PERSONS HAVING KNOWLEDGE OF RELEVANT FACTS:

The following individuals are potential witnesses with knowledge of discoverable facts regarding sales, offers to sell, and use of infringing instrumentalities in this District, the proportion of the damages base represented by the infringing components or features, customer demand for the patented inventions, and other facts relevant to EMG's remedies:

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Employees of Verizon Wireless retail stores located in Texas.

Employees of Sprint retail stores located in Texas.

Employees of T-Mobile retail stores located in Texas.

The following individuals are potential witnesses with knowledge of discoverable facts regarding Defendants' direct and indirect infringement of the Patents-in-Suit in connection with Apple iPhones, Windows Mobile smart phones and/or other infringing instrumentalities, agreements with Apple and/or Microsoft relating to the same, the proportion of the damages base represented by the infringing components or features, customer demand for the patented inventions, and/or other facts relevant to EMG's remedies:

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* There are additional AT&T employees from the corporate headquarters that are potential witnesses pending further discovery.

The following individuals are potential witnesses (technology industry writers) with knowledge of discoverable facts regarding direct and indirect infringement issues, the proportion of the damages base represented by the infringing components or features, customer demand for the patented inventions, and/or other facts relevant to EMG's remedies. In addition Plaintiff has found that these writers may live in different locations but for purposes of this disclosure the office addresses are indicated:

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The following individuals are potential witnesses (employees of Defendants) with knowledge of discoverable facts regarding development, implementation and/or commercialization of the accused instrumentalities, direct and indirect infringement issues, willfulness, the proportion of the damages base represented by the infringing components or features, customer demand for the patented inventions, and/or other facts relevant to EMG's remedies:

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The following individual was identified by Defendants as a potential witness; however, the Defendants specified an incorrect location for this witness. The below location is the correct location for this witness to the best of EMG's information and belief:

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Dated: January 29, 2010

Respectfully Submitted,

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**ATTORNEYS FOR PLAINTIFF
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document is being served to the parties named below by pdf e-mail on January 29, 2010, with a copy to follow by U.S. Mail.

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