

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.,

Defendants.

CASE NO. **6:08-cv-447**

JURY TRIAL DEMANDED

**PLAINTIFF'S UNOPPOSED MOTION FOR LEAVE TO FILE ITS SECOND
AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

Pursuant to Rule 15 of the Federal Rules of Civil Procedure, Plaintiff, EMG Technology, LLC ("EMG"), hereby requests leave of the Court to file its Second Amended Complaint, a copy of which is attached hereto as Exhibit 1.

There have been no responsive pleadings filed in this matter. This Motion will not result in prejudice to any party or to the Court and is not pursued for purposes of delay.

Wherefore, premises considered, Plaintiff EMG Technology, LLC, respectfully requests the Court grant Plaintiff leave to file its Second Amended Complaint.

DATED: January 28, 2009

Respectfully Submitted,

OF COUNSEL:

Jeffer, Mangels, Butler and Marmaro, LLP

Stanley M. Gibson
(Cal. Bar No. 162329)
smg@jmbm.com

Brian W. Kasell
(Cal. Bar No. 143776)
bwk@jmbm.com

Joshua S. Hodas, Ph.D.
(Cal. Bar No. 250812)
jsh@jmbm.com

1900 Avenue of the Stars, Seventh Floor
Los Angeles, CA 90067
Telephone: (310) 203-8080
Facsimile: (310) 203-0567

Manatt, Phelps & Phillips, LLP

Robert D. Becker
(Cal. Bar No. 160648)
rbecker@manatt.com

1001 Page Mill Road, Building 2
Palo Alto, CA 94304
Telephone: (650) 812-1300
Facsimile: (650) 213-0260

By: Charles Ainsworth
Charles Ainsworth
State Bar No. 00783521
Robert Christopher Bunt
State Bar No. 00787165
PARKER, BUNT & AINSWORTH, P.C.
100 E. Ferguson, Suite 1114
Tyler, TX 75702
903/531-3535
903/533-9687
E-mail: charley@pbatyler.com
E-mail: rcbunt@pbatyler.com

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record, who are deemed to have consented to electronic service are being served this 28rd 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

CERTIFICATE OF CONFERENCE

I certify that on this 28rd day of January, 2009, Plaintiff has not been served with any responsive pleadings in this matter. Therefore, counsel for Plaintiff is unable to meet and confer regarding the relief requested in this motion

/s/ Charles Ainsworth
Charles Ainsworth