

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. This Motion is unopposed.

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

DATED: January 29, 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](mailto:charley@pbatyler.com)  
E-mail: [rcbunt@pbatyler.com](mailto: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 29<sup>th</sup> 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 29<sup>th</sup> day of January, 2009, I have conferred with all of the parties that have requested extensions but have not officially made an appearance in this matter, and such parties do not oppose the relief requested in this Motion.

*/s/ Charles Ainsworth*  
Charles Ainsworth