

**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., and
UNITED PARCEL SERVICE, INC.,

Defendants.

CASE NO. 6:08 CV 447 (LED)

**UNOPPOSED MOTION TO EXTEND TIME FOR APPLE INC. TO MOVE, ANSWER
OR OTHERWISE RESPOND TO PLAINTIFF EMG TECHNOLOGY, LLC'S
SECOND 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 Second Amended Complaint to and including March 16, 2009.

II.

Counsel for Apple met and conferred with counsel for Plaintiff, EMG Technology, LLC, on February 2, 2009, and EMG Technology, LLC is unopposed to this request.

III.

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

Respectfully submitted,

Dated: February 4, 2009

FISH & RICHARDSON P.C.

By: /s/ David J. Healey

David J. Healey
Lead Attorney
State Bar No. 09327980

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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 4th day of February, 2009.

/s/ David J. Healey
David J. Healey