

AO 440 (Rev. 04/08) Civil Summons

FILED CLERK
U.S. DISTRICT COURT
2009 FEB -4 PM 12:57
TEXAS EASTERN

UNITED STATES DISTRICT COURT

for the
Eastern District of Texas

_____)
EMG TECHNOLOGY, LLC.)
Plaintiff)
v.)
_____)
APPLE, INC., ET AL.)
Defendant)

BY _____
Civil Action No. 6:08cv447

Summons in a Civil Action

To: *(Defendant's name and address)*

Apple Inc.
c/o CT Corporation System
818 West Seventh Street
Los Angeles, CA 90017

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

CHARLES AINSWORTH
PARKER BUNT & AINSWORTH PC
100 E FERGUSON SUITE 1114
TYLER TX 75702

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.



David Malone

Name of clerk of court

MLL

Deputy clerk's signature

Date: 1/9/09

(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States allowed 60 days by Rule 12(a)(3).)

Proof of Service

I declare under penalty of perjury that I served the summons and complaint in this case on _____,
by:

(1) personally delivering a copy of each to the individual at this place, _____;
_____ ; or

(2) leaving a copy of each at the individual's dwelling or usual place of abode with _____
who resides there and is of suitable age and discretion; or

(3) delivering a copy of each to an agent authorized by appointment or by law to receive it whose name is
_____ ; or

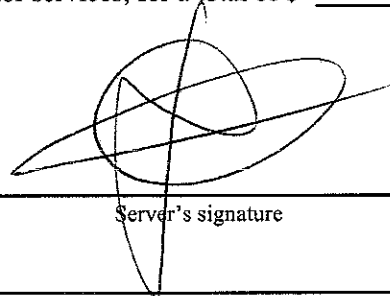
(4) returning the summons unexecuted to the court clerk on _____ ; or

(5) other (specify) _____

_____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

Date: _____



Server's signature

Printed name and title

Server's address

SEE ATTACHED
AFFIDAVIT

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address):		TELEPHONE NO.:	FOR COURT USE ONLY	
ATTORNEY FOR (Name):		Ref. No. or File No.	009-0901	
Insert name of court, judicial district or branch court, if any: UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TEXAS , TX				
PLAINTIFF/PETITIONER: EMG TECHNOLOGY, LLC				
DEFENDANT/RESPONDENT: APPLE, INC.,				
PROOF OF SERVICE	DATE:	TIME:	DEPT/DIV:	CASE NUMBER: 6:08CV447

1. At the time of service I was at least 18 years of age and not a party to this action, and I **served copies** of the following:
**SUMMONS IN A CIVIL ACTION; FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT;
EXHIBITS**
2. a. Party served: **APPLE INC.,**
b. Person served: **JESSICA CHAVEZ, CT CORPORATION - REGISTERED AGENT FOR SERVICE**
c. Address: **818 WEST 7TH STREET
(Business) LOS ANGELES, CA 90017**
3. I served the party named in item 2
a. **by personally delivering** the copies (1) on (date): **January 12, 2009** (2) at (time): **11:55 am**

5. **Person serving** (name, address, and telephone number):

**J. VALENCIA
SPECIAL DELIVERY SERVICE, INC.
5470 L.B.J. FREEWAY
DALLAS, TX 75240
(800) 352-7290**

a. **Fee** for service:

- d. Registered California process server.
(1) Employee or independent contractor
(2) Registration No.: **5211**
(3) County: **LOS ANGELES**

6. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: **January 14, 2009**



J. VALENCIA