

# UNITED STATES DISTRICT COURT

for the  
Eastern District of Texas

FILED CLERK  
U.S. DISTRICT COURT  
2009 FEB 17 PM 1:37  
TEXAS EASTERN

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)*

UNITED PARCEL SERVICE, INC.  
Corporation Service Company  
701 Brazos Street, Suite 1050  
Austin, TX 78701 USA

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.

Date: 1/30/09



*David Malone*

\_\_\_\_\_  
Name of clerk of court

MLL

\_\_\_\_\_  
Deputy clerk's signature

*(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:

**\*\* SEE ATTACHED \*\***  
**\*\*\* AFFIDAVIT \*\*\***

(1) personally delivering a copy of each to the individual at his 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

