

AO 440 (Rev. 04/08) Civil Summons

UNITED STATES DISTRICT COURT

for the Eastern District of Texas

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

EMG TECHNOLOGY, LLC.

Plaintiff

v.

APPLE, INC., ET AL.

Defendant

Civil Action No. 6:08cv447

Summons in a Civil Action

To: (Defendant's name and address)

CONTINENTAL AIRLINES, INC.
c/o C T CORPORATION SYSTEM
350 N. ST. PAUL STREET
Dallas, TX 75201 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.



Handwritten signature of David Malone

Name of clerk of court

MLL

Deputy clerk's signature

Date: 2/5/09

(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).)

ORIGINAL

Proof of Service

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

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: _____

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

Server's signature

Printed name and title

Server's address

RETURN OF SERVICE

Service of the Summons and complaint was made by me⁽¹⁾ DATE 2/6/09

NAME OF SERVER (PRINT) JOE CLEWIS sch 4129 TITLE TEXAS PROCESS SERVER

Check one box below to indicate appropriate method of service

Served personally upon the defendant. Place where served:

Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left:

Returned unexecuted:

Other (specify): Delivered to Continental Airlines Inc. by delivering to its' Registered Agent, CT Corporation System at 350 N. ST. Paul St., Dallas, Texas 75201, by delivering to its' Authorized Agent, Amber Carouth.

STATEMENT OF SERVICE FEES

Table with 3 columns: TRAVEL, SERVICES, TOTAL

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on 2/6/09 Date

Signature of Server (handwritten signature)

5470 LBJ FREEWAY, DALLAS, TEXAS 75240 Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.