

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

EMG TECHNOLOGY, LLC

Plaintiff,

v.

CASE NO. 6:08 CV 447 (LED)

APPLE INC.,
AMERICAN AIRLINES, INC.,
BLOOMBERG, L.P.,
CONTINENTAL AIRLINES, INC., and
UNITED PARCEL SERVICE, INC.,

Defendants.

**SECOND 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 31, 2009.

II.

Counsel for Apple met and conferred with counsel for Plaintiff, EMG Technology, LLC, on March 13, 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 31, 2009.

Respectfully submitted,

Dated: March 13, 2009

FISH & RICHARDSON P.C.

By: /s/ David J. Healey

David J. Healey
Lead Attorney
State Bar No. 09327980

FISH & RICHARDSON P.C.
One Houston Center
1221 McKinney, Suite 2800
Houston, Texas 77010
Tel: (713) 652-0115
Fax: (713) 652-0109
E-mail: healey@fr.com

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 13th day of March, 2009.

/s/ David J. Healey
David J. Healey