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

EMG TECHNOLOGY, LLC,

Plaintiff,

CASE NO. **6:08-cv-447**

v.

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

Defendants.

JURY TRIAL DEMANDED

PLAINTIFF'S UNOPPOSED MOTION FOR LEAVE TO FILE ITS THIRD AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Pursuant to Rule 15 of the Federal Rules of Civil Procedure, Plaintiff, EMG Technology, LLC ("EMG"), hereby requests leave of the Court to file its Third Amended Complaint, a copy of which is attached hereto as Exhibit 1.

This Motion will not result in prejudice to any party or to the Court and is not pursued for purposes of delay. This Motion is unopposed.

Wherefore, premises considered, Plaintiff EMG Technology, LLC, respectfully requests the Court grant Plaintiff leave to file its Third Amended Complaint.

DATED: June 18, 2009

Respectfully Submitted,

OF COUNSEL:

Jeffer, Mangels, Butler and Marmaro, LLP

Stanley M. Gibson (Cal. Bar No. 162329)

By: /s/ Charles Ainsworth

Charles Ainsworth State Bar No. 00783521 Robert Christopher Bunt smg@jmbm.com

Joshua S. Hodas, Ph.D. (Cal. Bar No. 250812) jsh@jmbm.com

1900 Avenue of the Stars, Seventh Floor

Los Angeles, CA 90067 Telephone: (310) 203-8080 Facsimile: (310) 203-0567

Manatt, Phelps & Phillips, LLP

Robert D. Becker (Cal. Bar No. 160648) rbecker@manatt.com

Shawn G. Hansen (Cal. Bar No. 197033) shansen@manatt.com

1001 Page Mill Road, Building 2

Palo Alto, CA 94304

Telephone: (650) 812-1300 Facsimile: (650) 213-0260

State Bar No. 00787165 PARKER, BUNT & AINSWORTH, P.C. 100 E. Ferguson, Suite 1114

Tyler, TX 75702 903/531-3535 903/533-9687

E-mail: charley@pbatyler.com
E-mail: rcbunt@pbatyler.com

ATTORNEYS FOR PLAINTIFF,

EMG TECHNOLOGY, LLC

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record, who are deemed to have consented to electronic service are being served this 18th day of June, 2009, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Charles Ainsworth

CHARLES AINSWORTH