

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

EMG TECHNOLOGY, LLC,
Plaintiff,

v.

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

Case No. 6:08-cv-447-LED

JURY TRIAL DEMANDED

**JOINT MOTION TO EXTEND THE TIME TO FILE PROPOSED
DOCKET CONTROL AND DISCOVERY ORDERS**

The parties respectfully request that the Court extend the deadline for the filing of proposed docket control and discovery orders from July 6, 2009, to July 13, 2009. The parties request this extension as they continue negotiate on the terms of the proposed orders.

Dated: July 6, 2009

Respectfully Submitted,

OF COUNSEL:

By: /s/ Charles Ainsworth

Jeffer, Mangels, Butler and Marmaro, LLP

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

Charles Ainsworth
State Bar No. 00783521
Robert Christopher Bunt
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**

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

By: /s/ John R. Lane with permission by
Charles Ainsworth

David J. Healey (09327980)
Lead Attorney
Garland T. Stephens (24053910)
John R. Lane (24057958)
Fish & Richardson P.C.
1221 McKinney Street
Suite 2800
Houston, TX 77010
713-652-0115
Fax: 713-652-0109
healey@fr.com
stephens@fr.com
jlane@fr.com

**COUNSEL FOR DEFENDANT,
APPLE INC.**

By: /s/ Elizabeth L. DeRieux with permission
by Charles Ainsworth

Elizabeth L. DeRieux
State Bar No. 05770585
S. Calvin Capshaw
State Bar No. 03783900
N. Claire Abernathy
State Bar No. 24053063
D. Jeffrey Rambin
State Bar No. 00791478
CAPSHAWDERIEUX L.L.P.
1127 Judson Road, Suite 220
P.O. Box 3999 (75606-3999)
Longview, Texas 75601-5157
(903) 236-9800 Phone
(903) 236-8787 Fax
E-mail: ederieux@capshawlaw.com
E-mail: ccapshaw@capshawlaw.com
E-mail: chenry@capshawlaw.com
E-mail: jrambin@capshawlaw.com

NIXON PEABODY LLP
Robert E. Krebs
Ronald F. Lopez
Christopher L. Ogden
Sushila Chanana

**ATTORNEYS FOR DEFENDANT,
AMERICAN AIRLINES, INC.**

By: /s/ Elizabeth L. DeRieux with permission
by Charles Ainsworth

Elizabeth L. DeRieux
State Bar No. 05770585
S. Calvin Capshaw
State Bar No. 03783900
N. Claire Abernathy
State Bar No. 24053063
D. Jeffrey Rambin
State Bar No. 00791478
CAPSHAW DERIEUX L.L.P.
1127 Judson Road, Suite 220
P.O. Box 3999 (75606-3999)
Longview, Texas 75601-5157
(903) 236-9800 Phone
(903) 236-8787 Fax
E-mail: ederieux@capshawlaw.com
E-mail: ccapshaw@capshawlaw.com
E-mail: chenry@capshawlaw.com
E-mail: jrambin@capshawlaw.com

Of Counsel

John M. DiMatteo
jdimatteo@willkie.com
Kelsey I. Nix
knix@willkie.com
WILLKIE FARR & GALLAGHER LLP
787 Seventh Avenue
New York, NY 10019
(212) 728-8000 Phone
(212) 728-8111 Fax

**ATTORNEYS FOR DEFENDANT
BLOOMBERG, L.P.**

Jason W. Cook
Texas Bar No. 24028537
jason.cook@alston.com
ALSTON & BIRD LLP
Chase Tower
2200 Ross Avenue, Suite 3601
Dallas, TX 75201
Tel: 214.922.3407
Fax: 214.922.3899

By: /s/ Jeffrey A. Andrews with permission by
Charles Ainsworth

Robert J. McAughan, Jr.
Texas Bar No. 00786096
bmcaughan@lockelord.com
Steven Boyd
Texas Bar No. 24001775
sboyd@lockelord.com
Jeffrey A. Andrews
Texas Bar No. 24050227
jandrews@lockelord.com
LOCKE LIDDELL & BISSELL AND
LIDDELL LLP
600 Travis Street, Suite 3400
Houston, Texas 77002
Telephone: (713) 226-1200
Facsimile: (713) 223-3717

**ATTORNEYS FOR DEFENDANT
CONTINENTAL AIRLINES, INC.**

By: /s/ Robert L. Lee with permission by
Charles Ainsworth

Patrick J. Flinn

Lead Attorney

Georgia Bar No. 264540

patrick.flinn@alston.com

Robert L. Lee

Georgia Bar No. 443978

bob.lee@alston.com

Siraj M. Abhyankar

Georgia Bar No. 484680

shri.abhyankar@alston.com

Jennifer R. Liotta

Georgia Bar No. 109528

jennifer.liotta@alston.com

ALSTON & BIRD LLP

1201 West Peachtree Street

Atlanta, GA 30309-3424

Tel: 404.881.7000

Fax: 404.881.7777

Counsel for Defendant
and Counterclaim Plaintiff

UNITED PARCEL SERVICE, INC.

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record, who are deemed to have consented to electronic service, are being served this 6th day of July, 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