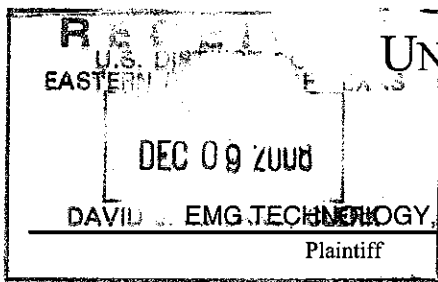


AO 440 (Rev. 04/08) Civil Summons



UNITED STATES DISTRICT COURT

for the Eastern District of Texas

DAVID L. EMG TECHNOLOGY, LLC.

Plaintiff

APPLE, INC.

Defendant

Civil Action No. 6:08cv447

Summons in a Civil Action

To: (Defendant's name and address)

Apple Inc.
c/o CT Corporation System
818 West Seventh Street
Los Angeles, CA 90017

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 Maloney

Name of clerk of court

MLL

Deputy clerk's signature

Date: 11/24/08

(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 11/25/08,
by:

(1) personally delivering a copy of each to the individual at this place, _____
818 WEST 7th STREET, LOS ANGELES, CA 90020; 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
MARGARET WILSON, DESIGNATED AGENT; 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: 11/25/08



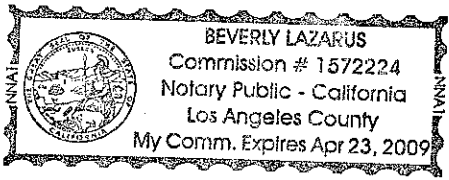
Server's signature
K. W. LAZARUS
REG LA # 2855

Printed name and title

Server's address

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }
County of Los Angeles }
On 11/25/08 before me, Beverly Lazarus, Notary Public
Date Here Insert Name and Title of the Officer
personally appeared K. W. Lazarus
Name(s) of Signer(s)



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Handwritten Signature]
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Proof of Service

Document Date: 11/25/08 Number of Pages: 1

Signer(s) Other Than Named Above: _____

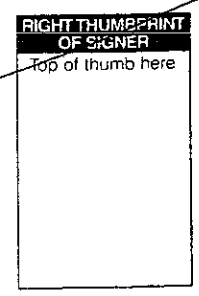
Capacity(ies) Claimed by Signer(s)

- Signer's Name: K. W. Lazarus
- Individual
 - Corporate Officer — Title(s): _____
 - Partner — Limited General
 - Attorney in Fact
 - Trustee
 - Guardian or Conservator
 - Other: _____



Signer Is Representing: [Handwritten Signature]

- Signer's Name: _____
- Individual
 - Corporate Officer — Title(s): _____
 - Partner — Limited General
 - Attorney in Fact
 - Trustee
 - Guardian or Conservator
 - Other: _____



Signer Is Representing: _____