

**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

UNOPPOSED MOTION FOR LEAVE TO AMEND INFRINGEMENT CONTENTIONS

Pursuant to Patent Rule 3-6(b) of the Rules of Practice for Patent Cases before the Eastern District of Texas, Plaintiff EMG Technology, LLC (“EMG”) respectfully submits this Unopposed Motion for Leave to Amend Infringement Contentions.

On June 5, 2009, pursuant to this Court’s Order dated April 21, 2009, and Patent Rule 3-1 of the Rules of Practice for Patent Cases before the Eastern District of Texas, EMG served its Patent Rule 3-1 Disclosure of Asserted Claims and Infringement Contentions (“Infringement Contentions”).

Subsequently, the parties met and conferred and agreed that EMG may amend its Infringement Contentions to correct typographical errors relating to the identification of the asserted patent claims and to clarify EMG’s contentions under Patent Rule 3-1(f). Attached as Exhibit A is a copy of EMG’s proposed First Amended Infringement Contentions and Appendix A thereto, with redlining to show the agreed upon changes. At this time, no changes are being

made to the other portions of EMG's Infringement Contentions served on June 5, 2009, including Exhibits A-H to Appendix A and Appendices B-J, including exhibits thereto.

Good cause exists for the proposed amendments because they correct typographical errors and clarify EMG's contentions under P.R. 3-1(f). No prejudice to the Court or the parties will result from the proposed amendments because this case is in its earliest stages and Defendants Apple, Inc., American Airlines, Inc., Bloomberg, LP, Continental Airlines, Inc., and United Parcel Service, Inc. do not oppose the amendments.

Accordingly, EMG respectfully requests the Court to enter the proposed Order Granting Unopposed Motion for Leave to Amend Infringement Contentions submitted concurrently herewith.

Dated July 13, 2009

Respectfully submitted,

OF COUNSEL:

By: /s/ Charles Ainsworth

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CERTIFICATE OF SERVICE

I hereby certify that all counsel of record, who are deemed to have consented to electronic service, are being served this 13th day of July, 2009, with a copy of this document via the Court's CM/ECF system under Local Rule CV-5(a)(3).

/s/ Charles Ainsworth
Charles Ainsworth

CERTIFICATE OF CONFERENCE

Counsel for EMG has conferred with counsel for Defendants Apple, Inc., American Airlines, Inc., Bloomberg, LP, Continental Airlines, Inc., and United Parcel Service, Inc. (collectively, "Defendants") in a good faith attempt to resolve the matters raised in this motion without court intervention. Counsel for Defendants indicated that the motion is unopposed.

/s/ Charles Ainsworth
Charles Ainsworth