

1 SCOTT + SCOTT, LLC
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4 Counsel for Plaintiff
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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 CASE NO.: 06-cv-03468-MEJ

13 _____)
14 MANFRED HACKER,)
15 Plaintiff,)

16 vs.)

STIPULATION AND ~~PROPOSED~~
ORDER RE FILING AMENDED
COMPLAINT

17 DAVID PETERSCHMIDT; DONALD)
18 LISTWIN; JOSHUA PACE; STEVEN PETERS;)
19 AL SNYDER; SIMON WILKINSON;)
KENNETH DENMAN; BO HEDFORS;)
20 GERALD HELD; MASOOD JABBAR;)
BERNARD PUCKETT,)
21 Defendants,)

22 -and-)

23 OPENWAVE SYSTEMS, INC.,)
24)
25 Nominal Defendant.)

26 _____)

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Stipulation. and [Proposed] Order Re Filing
Amended Complaint
Case No. 06-cv-03467-MEJ

STIPULATION

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WHEREAS, the original Complaint in the above-captioned action was filed on May 30, 2006;

WHEREAS, by their respective undersigned counsel, each defendant accepts service of the Complaint;

WHEREAS, pursuant to Federal Rules of Civil Procedure, Rule 15, plaintiff intends to amend the Complaint;

WHEREAS, the parties have met and conferred concerning the filing of an Amended Complaint and an appropriate schedule for defendants' responses thereto;

WHEREAS, the parties hereto believe this Stipulation is in the best interest of judicial economy;

THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the parties hereto, subject to approval of the Court:

- A. Plaintiff shall file and serve an Amended Complaint no later than July 17, 2006;
- B. Defendants shall file and serve their respective responses thereto no later than August 18, 2006;
- C. Should any defendant's response be a motion to dismiss, plaintiff's opposition thereto shall be filed and served no later than September 8, 2006; and
- D. Any reply in support to a motion to dismiss shall thereafter be filed and served no later than September 15, 2006.

Dated: June 20, 2006

By: /s/ Garrett J. Waltzer
 Garrett J. Waltzer (130764)
 SKADDEN, ARPS, SLATE,
 MEAGHER & FLOM LLP
 525 University Avenue, Suite 1100
 Palo Alto, CA 94301

Amy S. Park (208204)

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SKADDEN, ARPS, SLATE,
MEAGHER & FLOM LLP
300 South Grand Avenue, Suite 3400
Los Angeles, CA 90071-3144

Attorneys for Defendants Kenneth
Denman, Bo Hedfors, Masood Jabbar
and Bernard Puckett

Dated: June 20, 2006

By: /s/ Lee H. Rubin
Lee H. Rubin, (141331)
Shirish Gupta, (205584)
MAYER, BROWN, ROWE
& MAW LLP
Two Palo Alto Square, Suite 300
3000 El Camino Real
Palo Alto, CA 94306

Attorneys for Defendants Don
Listwin, Joshua Pace, Dave
Peterschmidt, Allen Snyder, Simon
Wilkinson

Dated: June 20, 2006

By: /s/ Jeff K. Li
Jeff K. Li (186305)
OPENWAVE SYSTEMS, INC.
2100 Seaport Boulevard
Redwood City, CA 94063

Attorney for Defendant Openwave
Systems, Inc.

Dated: June 20, 2006

By: /s/ Arthur L. Shingler III
Arthur L. Shingler III (181719)
SCOTT + SCOTT, LLC
600 B Street, Suite 1500
San Diego, CA 92101

Attorney for Plaintiff

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~~PROPOSED~~ ORDER

Upon stipulation of the parties, and good cause appearing:

- A. Plaintiff shall file and serve an Amended Complaint no later than July 17, 2006;
- B. Defendants shall file and serve their respective responses thereto no later than August 18, 2006; and shall also file the magistrate judge consent/declination form at that time.
- C. Should any defendant's response be a motion to dismiss, plaintiff's opposition thereto shall be filed and served no later than September 8, 2006; and
- D. Any reply in support to a motion to dismiss shall thereafter be filed and served no later than September 15, 2006.

IT IS SO ORDERED.

June 21, 2006
Dated: _____



1 I, Arthur L. Shingler III, am the ECF User whose identification and password are being
2 used to file this Stipulation and [Proposed] Order Re Filing Amended Complaint. In compliance
3 with General Order 45.X.B, I hereby attest that each of the counsel executing the Stipulation has
4 concurred in this filing.

5

6 Dated: June 20, 2006

SCOTT + SCOTT, LLC

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By: /s/ Arthur L. Shingler III
Arthur L. Shingler III

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Attorneys for Plaintiffs

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