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 Jr., Michael L. Ainslie, Roland A.
 7 Hernandez, David Goldfarb, John F. Akers,
 Roger S. Berlind, Joseph M. Gregory,
 8 Thomas H. Cruikshank, Marsha Johnson
 Evans, Henry Kaufman, John D. Macomber,
 9 Thomas A. Russo, and Christopher M.
 O'Meara

10
 11 UNITED STATES DISTRICT COURT
 12 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 13 SAN FRANCISCO DIVISION
 14

15 OPENWAVE SYSTEMS INC.,

16 Plaintiff,

17 v.

18 RICHARD S. FULD, JR., MICHAEL L. AINSLIE,
 ROLAND A. HERNANDEZ, DAVID GOLDFARB,
 19 JOHN F. AKERS, ROGER S. BERLIND, JOSEPH
 M. GREGORY, THOMAS H. CRUIKSHANK,
 20 MARSHA JOHNSON EVANS, HENRY
 KAUFMAN, JOHN D. MACOMBER, THOMAS A.
 21 RUSSO, CHRISTOPHER M. O'MEARA,
 MICHAEL GELBAND, ALEX KIRK, MELISSA
 22 CONROY WHITNEY, TIM FORD, and DOES 1 -
 50, inclusive,

23 Defendants.
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CV 08 5683 (SI)

**JOINT STATUS REPORT;
 STIPULATED REQUEST TO
 CONTINUE CASE MANAGEMENT
 CONFERENCE; [PROPOSED] ORDER**

[Filed Concurrently With: Declaration of
 Simona G. Strauss In Support of
 Stipulated Request to Continue Case
 Management Conference]

1 arbitration;

2 NOW THEREFORE, THE PARTIES JOINTLY STIPULATE TO AND
3 REQUEST THE FOLLOWING:

4 1. The Case Management Conference scheduled for December 18, 2009 be
5 Feb. 19 continued to ~~January 29, 2010~~ or as soon thereafter as it may be heard by this Court.

6 2. The Court not make any rulings, tentative or final, or otherwise take any
7 further action on Defendants' Motions to Dismiss the First Amended Complaint and Motion to
8 Compel Arbitration.

9 3. The parties shall file a Notice of Dismissal with Prejudice or a status report
10 on or before January 29, 2010.

11
12 Dated: December 4, 2009

COBLENTZ, PATCH, DUFFY & BASS LLP

13 By _____ /s/
14 Howard A. Slavitt
Attorneys for Plaintiff Openwave Systems Inc.

15 Dated: December 4, 2009

SIMPSON THACHER & BARTLETT LLP

16 By _____ /s/
17 James G. Kreissman
18 Attorneys for Defendants Richard S. Fuld, Jr.,
Michael L. Ainslie, Roland A. Hernandez, David
19 Goldfarb, John F. Akers, Roger S. Berlind,
Joseph M. Gregory, Thomas H. Cruikshank,
Marsha Johnson Evans, Henry Kaufman, John
20 D. Macomber, Thomas A. Russo, and
Christopher M. O'Meara

21 Dated: December 4, 2009

JONES DAY

22 By _____ /s/
23 Philip E. Cook
24 Attorneys for Defendants Melissa Conroy
Whitney and Tim Ford

25 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

26 Dated: _____



27 _____
28 The Honorable Susan Illston
United States District Court Judge

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ECF FILER'S ATTESTATION

I, James G. Kreissman, as the e-filing signatory, attest that concurrence in filing the Joint Status Report and Stipulated Request to Continue Case Management Conference has been obtained from the other signatories Howard A. Slavitt and Philip E Cook. In accordance with General Order 45, Section X(B), I shall maintain a record of their concurrence for subsequent production for the court if so ordered or for inspection upon request by a party until one year after final resolution of the action.

Dated: December 4, 2009

By: _____ /s/
James G. Kreissman