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

11 *Additional counsel listed on signature page*

12 UNITED STATES DISTRICT COURT
 13 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 14 SAN FRANCISCO DIVISION
 15

16 OPENWAVE SYSTEMS INC.,

17 Plaintiff,

18 v.

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

24 Defendants.
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CV 08 5683 (SI)

**STIPULATED REQUEST TO
 RESCHEDULE CASE
 MANAGEMENT CONFERENCE**

Prior CMC Date: March 27, 2009

New CMC Date: April 24, 2009

[Declaration of Simona G. Strauss
 filed concurrently herewith]

1 Pursuant to Civil Local Rule 6-1(b) and Rule 6-2, Defendants Richard S. Fuld, Jr.,
2 Michael L. Ainslie, Roland A. Hernandez, David Goldfarb, John F. Akers, Roger S. Berlind,
3 Joseph M. Gregory, Thomas H. Cruikshank, Marsha Johnson Evans, Henry Kaufman, John D.
4 Macomber, Thomas A. Russo, Christopher M. O’Meara, Melissa Conroy Whitney, and Tim Ford
5 (“Defendants”), by and through their respective counsel, request that the Case Management
6 Conference currently scheduled for March 27, 2009 at 2:00 pm be continued until April 24, 2009
7 at 9:00 am. Plaintiff Openwave Systems Inc. (“Plaintiff”) stipulates to the request.

8 WHEREAS, as set forth in the Declaration of Simona G. Strauss, dated February
9 26, 2009 and filed concurrently herewith, on or about November 21, 2008, Plaintiff filed a
10 complaint against Defendants in the Superior Court of the State of California, San Francisco
11 County (the “Complaint”);

12 WHEREAS on December 19, 2008, Defendants removed this action (the “Action”)
13 to the United States District Court for the Northern District of California;

14 WHEREAS on February 9, 2009, Defendants timely moved to dismiss the Action
15 for failure to state a claim and, for some Defendants, for lack of personal jurisdiction, and moved
16 to strike portions of the Complaint (the “Motions”);

17 WHEREAS the Motions are scheduled for oral argument on April 24, 2009 at 9:00
18 am;

19 WHEREAS Plaintiff and Defendants agree that it would be most efficient, both for
20 the Court and the parties, to hold the Case Management Conference on the date of oral argument
21 on the Motions;

22 WHEREAS the Case Management Conference currently is scheduled for March
23 27, 2009, at 2:00 pm, four weeks before oral argument on the Motions; and

24 WHEREAS by entering into this stipulation, neither Plaintiff nor Defendants limit
25 or waive any rights or defenses they may have in this Action, including but not limited to rights to
26 jurisdictional discovery;

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NOW THEREFORE, IT IS HEREBY STIPULATED by and between counsel for the undersigned parties as follows:

1. The Case Management Conference in this Action will be continued from March 27, 2009 until ~~April 24, 2009, at 9:00 am.~~ May 1, 2009, at 2:30 p.m.

Dated: February 26, 2009

SIMPSON THACHER & BARTLETT LLP

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

Patricia M. Hynes (admitted *pro hac vice*)
Todd S. Fishman (admitted *pro hac vice*)
Allen & Overy LLP
1221 Avenue of the Americas
New York, New York 10020

Attorneys for Defendant Richard S. Fuld, Jr.

Dated: February 26, 2009

JONES DAY

By _____ /s/
Philip Cook
Attorneys for Defendants Melissa Conroy Whitney and Tim Ford

Dated: February 26, 2009

COBLENTZ, PATCH, DUFFY & BASS LLP

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

PURSUANT TO STIPULATION, IT IS SO ORDERED.

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DATED: February __, 2009

The Honorable Susan Illston
United States District Judge

