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7 Attorneys for Plaintiff
 OPENWAVE SYSTEMS INC.,
 8 a Delaware corporation

9
 10 **UNITED STATES DISTRICT COURT**
 11 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

12 OPENWAVE SYSTEMS INC., a Delaware
 13 corporation,

14 Plaintiff,

15 v.

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

22 Defendants.

Case No. CV 08-05683 SI

**STIPULATED REQUEST TO EXTEND
 TIME TO FILE FIRST AMENDED
 COMPLAINT AND ANY MOTIONS TO
 DISMISS IN RESPONSE THERETO, AND
 [PROPOSED] ORDER**

[Declaration of Howard A. Slavitt filed
 concurrently herewith]

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1 Pursuant to Civil Local Rule 6-1(b) and Rule 6-2, Plaintiff Openwave Systems Inc.
 2 (“Openwave”) and Defendants Richard S. Fuld, Jr., Michael L. Ainslie, Roland A. Hernandez,
 3 David Goldfarb, John F. Akers, Roger S. Berlind, Joseph M. Gregory, Thomas H. Cruikshank,
 4 Marsha Johnson Evans, Henry Kaufman, John D. Macomber, Thomas A. Russo, Christopher M.
 5 O’Meara, Melissa Conroy Whitney, and Tim Ford (“Defendants”), by and through their respective
 6 counsel, request and stipulate that Openwave may have until July 3, 2009, to file an amended
 7 complaint and that Defendants may have until August 14, 2009, to file any motions to dismiss or
 8 to otherwise respond to the amended complaint.

9 WHEREAS, on or about November 21, 2008, Plaintiff filed a complaint against
 10 Defendants in the Superior Court of the State of California, San Francisco County (the
 11 “Complaint”);

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

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

17 WHEREAS on or about June 6, 2009, the Court issued an Order granting in part and
 18 denying in part the Motions, and provided plaintiff with leave until June 19, 2009, to file an
 19 amended complaint;

20 WHEREAS due to vacation plans and a personal family issue, plaintiff’s counsel has
 21 requested additional time, until July 3, 2009, to file an amended complaint;

22 WHEREAS due to commitments on other cases and vacation plans, defendants’ counsel
 23 has requested additional time, until August 14, 2009, to file any motions to dismiss or to otherwise
 24 respond to the first amended complaint;

25 WHEREAS by entering into this stipulation, neither Plaintiff nor Defendants limit or
 26 waive any rights or defenses they may have in this Action;

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

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- 1. Plaintiff may have until July 3, 2009, to file a first amended complaint; and
- 2. Defendants may have until August 14, 2009, to file any motions to dismiss or to otherwise respond to the first amended complaint.

Dated: June 12, 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 (pro hac vice)
Todd S. Fishman (pro hac vice)
Allen & Overy LLP
1221 Avenue of the Americas
New York, New York 10020

Attorneys for Defendant Richard S. Fuld, Jr.

Dated: June 12, 2009

JONES DAY

By: _____ /s/

Philip Cook
*Attorneys for Defendants Melissa Conroy Whitney
and Tim Ford*

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Dated: June 12, 2009

COBLENTZ, PATCH, DUFFY & BASS LLP

By: _____ /s/ _____

Howard A. Slavitt
Attorneys for Plaintiff Openwave Systems Inc.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____



THE HONORABLE SUSAN ILLSTON
United States District Court Judge

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