

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

OPENWAVE SYSTEMS INC.,
Plaintiff,

No. C 10-02805 WHA

v.

MYRIAD FRANCE S.A.S.,
Defendant.

**ORDER RE SUPPLEMENTAL
BRIEFING ON MOTION FOR
DISQUALIFICATION**

AND RELATED COUNTERCLAIMS

As stated at the March 24 hearing on the motion to disqualify counsel, each side should submit a supplemental brief addressing the following question — and the following question *only* — by **NOON ON MARCH 28, 2011**:

Assuming *arguendo* there was a proven violation of Rule 3-310(E) of the California Rules of Professional Conduct, does it automatically follow that counsel must be disqualified, or is disqualification a decision within the discretion of the Court?

Each party's supplemental brief may be no more than five double-spaced pages with no footnotes, no attachments, and no accompanying declarations. The briefs should address this standard generally without focusing on tangential issues such as waiver.

IT IS SO ORDERED.

Dated: March 24, 2011.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE