

1 IN THE UNITED STATES DISTRICT COURT  
 2  
 3 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 4

5 OPENWAVE SYSTEMS INC.,  
 6  
 7 Plaintiff,

No. C 10-02805 WHA

8 v.

**ORDER RE PRÉCIS  
 RE DECLARATIONS**

9 MYRIAD FRANCE S.A.S.,  
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 11 Defendant.  
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AND RELATED COUNTERCLAIMS

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On May 3, Myriad filed a précis seeking leave to file an administrative motion to resubmit the declarations of Cyrille Amar, Obie Oberoi, and Simon Wilkinson in support of Myriad's opposition to the motion for partial summary judgment. Each of the three declarations on file concludes with the statement "I declare under penalty of perjury that the foregoing is true and correct." The resubmitted declarations would be unchanged substantively but would alter the final sentence to read, "I declare under penalty of perjury *under the laws of the United States of America* that the foregoing is true and correct." Myriad explains that the phrase "under the laws of the United States of America" was inadvertently omitted from the filed declarations. Myriad represents that Openwave refuses to stipulate to the submission of replacement declarations and instead seeks an order excluding the declarations because of the missing words (Dkt. No. 206).

As a concession to the shortness of life, Myriad's précis is hereby deemed an administrative motion for leave to resubmit the declarations. Accordingly, Openwave may file an opposition to the motion by **MAY 9, 2011** if Openwave has any non-frivolous grounds for doing so. Civ. L. R. 7-11(b).

**IT IS SO ORDERED.**

Dated: May 4, 2011.

  
 WILLIAM ALSUP  
 UNITED STATES DISTRICT JUDGE