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12 Attorneys for Defendant and Counterclaimant
 13 OPEN-XCHANGE, INC.

14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA
 16 SAN FRANCISCO DIVISION

18 OPENWAVE MESSAGING, INC.,
 a Delaware corporation,
 19
 20 Plaintiff and Counterclaim-
 defendant,
 21 v.
 22 OPEN-XCHANGE, INC., a Delaware
 corporation,
 23
 24 Defendant and
 Counterclaimant.

Case No.: 3:16-cv-00253-WHO
**STIPULATION RE: REVISED
 SCHEDULE**

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1 WHEREAS, Openwave Messaging, Inc. (“Openwave”) and Open-Xchange, Inc. (“OX”)
 2 (collectively, “the Parties”) have recently been made aware that the Court may be unavailable for
 3 the original trial date scheduled for Nov. 6, 2017;

4 WHEREAS, the Parties desire certainty regarding the trial date due to the need to arrange
 5 witness travel schedules from Europe;

6 WHEREAS, the Parties have scheduled a mediation before Judge Ryu on June 26, 2017 at
 7 11am at the United States District Court, Northern District of California, 1301 Clay St., Oakland,
 8 CA 94612.

9 WHEREAS, the Parties desire to move certain discovery deadlines to correlate with the
 10 date scheduled for mediation before Judge Ryu so as to reduce costs and the need for repeated
 11 travel to the Bay Area by foreign witnesses;

12 WHEREAS, the Court has suggested that the Parties stipulate to a trial date in early 2018
 13 if they were not amenable to reassignment to a Magistrate Judge for trial;

14 THEREFORE, the Parties hereby stipulate to a trial date and propose related
 15 modifications to the schedule as follows:

TASK	DEADLINE	NEW DEADLINE	NOTES
Last date to amend/add parties	Date passed w/o amendment	Date passed w/o amendment	
Last day to serve written discovery by mail or other means	May 19, 2017	June 10, 2017	
Last day to serve written discovery electronically or by hand	May 24, 2017	June 15, 2017	
Fact discovery cutoff	June 23, 2017	July 28, 2017	

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Last day to file motion to compel fact discovery	June 30, 2017 (per Civ. L.R. 37-3)	August 4, 2017 (per Civ. L.R. 37-3)	
Expert disclosure	July 14, 2017	August 25, 2017	
Expert rebuttal	August 4, 2017	September 22, 2017	
Expert discovery cutoff	August 25, 2017	October 13, 2017	
Deadline for dispositive motions to be heard	August 14, 2017	November 6, 2017	~3 months before trial based on the Court's request at the Initial CMC.
Last court day to exchange exhibits and other trial material, briefs on significant disputed issues of law, statements designating excerpts from depositions, interrogatory answers and responses to requests for admission to be offered at trial other than for impeachment or rebuttal, requested voir dire questions, jury instructions and form of verdict, and motions in limine.	September 15, 2017	January 17, 2018	

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Last court day to meet and confer re preparation of joint pretrial conference statement, preparation and exchange of pretrial materials.	September 18, 2017	January 22, 2018	
Deadline for filing motions in limine, jury instructions, joint pretrial conference statement, and proposed questions for voir dire	September 25, 2017	January 29, 2018	
Pretrial conference	October 9, 2017; 2:00 p.m.	February 12, 2018; 2:00 p.m.	
Jury trial	November 6, 2017	March 12, 2018	

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Dated: May 22, 2017

Respectfully submitted,
FENWICK & WEST LLP

By: /s/ Todd R. Gregorian
Todd R. Gregorian
Attorneys for Defendant
OPEN-XCHANGE, INC.

Dated: May 22, 2017

PILLSBURY WINTHROP SHAW PITTMAN LLP

By: /s/ David M. Lisi
David M. Lisi
Attorneys for Plaintiff
OPENWAVE MESSAGING, INC.

Pursuant to Civil Local Rule 5-1(i)(3), I attest that all signatories concur in the filing of
this stipulation.

Dated: May 22, 2017

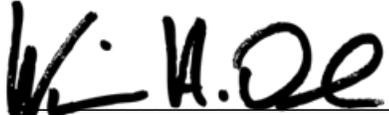
FENWICK & WEST LLP

By: /s/ Todd R. Gregorian
Todd R. Gregorian
Attorneys for Defendant
OPEN-XCHANGE, INC.

PURSUANT TO STIPULATION, IT IS SO ORDERED as modified below:

**The trial date is set for March 5, 2018. The viability of this trial date will be discussed
Case Management Conference set for October 10, 2017 at 2:00 p.m.**

Dated: May 30, 2017


The Honorable William H. Orrick
United States District Judge