

1 PHILLIP F. SHINN, SBN 112051
 2 FOX ROTHSCHILD LLP
 235 Pine Street, Suite 1500
 San Francisco, CA 94104-2734
 415/364-5540 // FAX: 415/391-4436

4 ATTORNEYS FOR PLAINTIFF
 ASPECT COMMUNICATIONS CORP.



6 IN THE UNITED STATES DISTRICT COURT
 7 NORTHERN DISTRICT OF CALIFORNIA
 8 SAN JOSE DIVISION

10 ASPECT COMMUNICATIONS CORP,
 11 Plaintiff,
 12 v.
 13 AVAYA BRASIL, LTDA., LUCENT
 14 TECHNOLOGIES BRASIL LTDA. and
 DOES 1 through 35, Inclusive,
 15 Defendants.

Case No.: CV 04-03172 JW
**ORDER SETTING FURTHER STATUS
 REPORT**
 Complaint Filed: August 4, 2004

FOX ROTHSCHILD LLP
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17 Plaintiff ASPECT COMMUNICATIONS CORP. reports as follows concerning the status
 18 of this case:

19 1. Change of Law Firm

20 Effective April 1, 2008, Plaintiff's counsel, Thornton, Taylor, Becker, & Shinn, merged
 21 with Fox Rothschild, LLP, which is now Plaintiffs' counsel. Phillip F. Shinn remains lead
 22 counsel for Plaintiff.

23 2. Arbitration

24 This dispute between Aspect Communications and Avaya arises from two separate
 25 software licensing and distribution contracts, signed in 2000 and 2002. Claims arising from the
 26 2000 contract have been ordered by the court to binding arbitration, venued in Florida. The
 27 arbitration hearing is scheduled for March 9-12, 2009.
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The parties have each taken one deposition, and have exchanged written discovery. The arbitration will go forward unless there is a settlement.

3. Litigation

The present federal district case concerns the second contract, signed in 2002. Upon completion of the arbitration, the parties should be prepared to proceed with the federal court action.

DATED: January 30, 2009

FOX ROTHSCHILD LLP



PHILLIP F. SHINN
Attorneys for Plaintiff
ASPECT COMMUNICATIONS CORP.

***** ORDER *****

In light of the parties' representation that the arbitration hearing is scheduled for March 9-12, 2009, the Court sets April 13, 2009 as a date whereby the parties shall file a further Status Report updating the Court on the status of the arbitration.

Dated: February 20, 2009


JAMES WARE
United States District Judge