

E-Filed 6/1/10

1 DANIEL JOHNSON, JR. (SBN 57409)
 2 BRETT M. SCHUMAN (SBN 189247)
 3 AHREN C. HOFFMAN (SBN 250469)
 4 RYAN L. SCHER (SBN 244706)
 5 MORGAN, LEWIS & BOCKIUS LLP
 One Market, Spear Street Tower
 San Francisco, CA 94105-1126
 Tel: 415.442.1000
 Fax: 415.442.1001
 E-mail: djjohnson@morganlewis.com
 E-mail: bschuman@morganlewis.com
 E-mail: ahoffman@morganlewis.com
 E-mail: rscher@morganlewis.com

8 Attorneys for Plaintiffs and
 9 Counterdefendants,
 10 OPENWAVE SYSTEMS, INC. and
 OPENWAVE SYSTEMS (ROI) LTD.

CLAUDE M. STERN (SBN 96737)
 EVETTE D. PENNYPACKER (SBN 203515)
 RAY ZADO (SBN 208501)
 THAI LE (SBN 267460)
 QUINN EMANUEL URQUHART &
 SULLIVAN, LLP
 555 Twin Dolphin Drive, 5th Floor
 Redwood Shores, California 94065
 Tel: 650.801.5000
 Fax: 650.801.5100
 E-mail: claudestern@quinnemanuel.com
 E-mail: evettepennypacker@quinnemanuel.com
 E-mail: rayzado@quinnemanuel.com
 E-mail: thaile@quinnemanuel.com

JESSE GERACI (Bar No. 259755)
 QUINN EMANUEL URQUHART &
 SULLIVAN, LLP
 50 California Street, 22nd Floor
 San Francisco, California 94111
 Tel: 415.875.6600
 Fax: 415.875.6700
 E-mail: jessegeraci@quinnemanuel.com

Attorneys for Defendants and Counterclaimants
 724 SOLUTIONS (US) INC. and 724
 SOLUTIONS SOFTWARE INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

19 OPENWAVE SYSTEMS, INC.,
 a Delaware corporation, and
 20 OPENWAVE SYSTEMS (ROI) LTD., its
 Republic of Ireland subsidiary,

Plaintiffs,

v.

23 724 SOLUTIONS (US) INC., a Delaware
 24 corporation, and 724 SOLUTIONS
 25 SOFTWARE INC., a Delaware
 corporation,

Defendants.

AND RELATED COUNTERCLAIMS

Case No. 09-CV-03511 (RS, HRL)

**STIPULATION AND [PROPOSED] ORDER
AMENDING CASE SCHEDULE**

1 Plaintiffs and Counterdefendants Openwave Systems, Inc. and Openwave Systems (ROI)
2 Ltd. (together, "Openwave"), by and through their undersigned counsel, and Defendants and
3 Counterclaimants 724 Solutions (US) Inc. and 724 Solutions Software Inc. (together, "724
4 Solutions"), by and through their undersigned counsel, hereby stipulate as follows:

5 WHEREAS, on February 18, 2010, Openwave filed its Motion to Disqualify Defendants'
6 Counsel, Fish & Richardson P.C. ("Motion," Dkt. No. 89);

7 WHEREAS, on April 22, 2010, this Court issued its Order Granting Motion to Disqualify
8 Counsel ("Order," Dkt. No. 167);

9 WHEREAS, the Order stated that "[t]he deadlines set out in the Case Management
10 Scheduling Order entered on March 11, 2010 shall remain in place for now, but [plaintiffs] will
11 be expected to accommodate any reasonable request from new counsel for a stipulation to extend
12 any or all of those deadlines" (Order 11:4-7);

13 WHEREAS, on May 21, 2010, 724 Solutions filed a Notice of Substitution of Attorneys
14 and Proposed Order, whereby 724 Solutions substituted Quinn Emanuel Urquhart & Sullivan,
15 LLP ("New Counsel") as attorneys of record in place of Fish & Richardson P.C. (Dkt. No. 181);

16 WHEREAS, on May 21, 2010, 724 Solutions' New Counsel requested that Openwave
17 stipulate to extending the deadlines set forth in the Court's March 11, 2010 Case Management
18 Scheduling Order (Dkt. 123);

19 WHEREAS, the parties have met and conferred regarding those deadlines;

20 IT IS HEREBY STIPULATED by and between the parties hereto through their respective
21 attorneys of record that the following schedule pertaining to events through the claim construction
22 hearing shall apply:

23		
24	Patent L.R. 4-1 Exchange of Proposed Terms for Construction	July 12, 2010
25	Patent L.R. 4-2 Exchange of Preliminary Case Constructions and Extrinsic Evidence	July 26, 2010
26	Patent L.R. 4-3 Joint Claim Construction and Prehearing Statement	August 13, 2010
27	Patent L.R. 4-4 Close of Claim Construction Discovery	September 13, 2010
28		

1	Patent L.R. 4-5(a) Opening Claim Construction Brief	September 27, 2010
2	Patent L.R. 4-5(b) Responsive Claim Construction Brief	October 12, 2010
3	Patent L.R. 4-5(c) Reply Claim Construction Brief	October 19, 2010
4	Tutorial	October 27, 2010
5	Claim Construction Hearing	November 1-12, 2010 (during either week at the court's convenience)

6 Respectfully submitted,

7
8 Dated: May 28, 2010

MORGAN, LEWIS & BOCKIUS LLP

9
10 By /s/ Brett Schuman
11 Brett M. Schuman

12 *Attorneys for Plaintiffs and Counterdefendants,*
13 OPENWAVE SYSTEMS, INC. AND
14 OPENWAVE SYSTEMS (ROI) LTD.

15
16 Dated: May 28, 2010

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

17
18 By Evette Pennypacker
19 Evette D. Pennypacker

20 *Attorneys for Defendants and*
21 *Counterclaimants, 724 SOLUTIONS (US)*
22 *INC. AND 724 SOLUTIONS SOFTWARE*
23 *INC.*


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

PROPOSED ORDER

The proposed amended schedule set forth above is hereby adopted by the Court as the schedule for this case through the claim construction hearing. The claim construction hearing shall take place on November 3, 2010 (date) at 10:00 AM (time). The parties shall comply with this Order.

IT IS SO ORDERED.

Dated: 6/1/10

By 

HON. RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE