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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
 6 San Francisco, California 94105-1126
 Telephone: 415.442.1000
 7 Facsimile: 415.442.1001
 E-mail: djjohnson@morganlewis.com
 E-mail: bschuman@morganlewis.com
 E-mail: ahoffman@morganlewis.com
 E-mail: rscher@morganlewis.com

NAGENDRA SETTY (*pro hac vice*)
 CHRISTOPHER GREEN (*pro hac vice*)
 FISH & RICHARDSON P.C.
 1180 Peachtree Street, NE, 21st Floor
 Atlanta, GA 30309
 Telephone: 404.892.5005
 Facsimile: 404.892.5002
 E-mail: setty@fr.com
 E-mail: cgreen@fr.com

DAVID M. BARKAN (SBN 160825)
 FISH & RICHARDSON P.C.
 500 Arguello St Ste 500
 Redwood City, CA 94063
 Telephone: 650.839.5070
 Facsimile: 650.839.5071
 E-mail: barkan@fr.com

11 Attorneys for Plaintiff and Counterdefendant,
 12 OPENWAVE SYSTEMS, INC.

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

13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
 15 SAN JOSE DIVISION

16 OPENWAVE SYSTEMS, INC., a
 17 Delaware corporation,

18 Plaintiff,

19 v.

20 724 SOLUTIONS (US) INC., a Delaware
 21 corporation, and 724 SOLUTIONS
 SOFTWARE INC., a Delaware
 22 corporation,

23 Defendants.

24 AND RELATED COUNTERCLAIMS

Case No. 09-CV-03511 (RS)

**JOINT STIPULATION AND ~~PROPOSED~~
 ORDER CONTINUING HEARING**

1 Plaintiff and counterdefendant Openwave Systems, Inc. (“Openwave”), by and through its
2 undersigned counsel, and defendants and counterclaimants 724 Solutions (US) Inc. and 724
3 Solutions Software Inc. (together, “724 Solutions”), by and through their undersigned counsel,
4 hereby stipulate as follows:

5 WHEREAS, on January 25, 2010, Openwave filed an *Ex Parte* Motion for Temporary
6 Restraining Order and Order to Show Cause (Dkt. No. 61) (the “TRO Motion”);

7 WHEREAS, on January 25, 2010, the Court issued an Order Denying Motion for
8 Temporary Restraining Order and Setting Hearing and Briefing Schedule for Preliminary
9 Injunction (Dkt. No. 64) (the “Order”);

10 WHEREAS the Order denied Openwave’s TRO Motion, and set a hearing for
11 Openwave’s motion for a preliminary injunction to be heard on February 10, 2010 at 9:30 a.m., in
12 Courtroom 4 of the San Jose Courthouse (Dkt. No. 64);

13 WHEREAS the Order permits Openwave to file additional papers in support of its motion
14 no later than January 29, 2010, and permits 724 Solutions to file an opposition no later than
15 February 5, 2010 (Dkt. No. 64);

16 WHEREAS Openwave served a subpoena on Mobixell Networks, Inc. (“Mobixell”)
17 commanding Mobixell to produce documents, on January 29, 2010, relevant to Openwave’s
18 motion for a preliminary injunction (Dkt. No. 63-3);

19 WHEREAS, on January 28, 2010, Openwave’s counsel met and conferred with Nagendra
20 Setty, counsel for both 724 Solutions and Mobixell, regarding Mobixell’s response to
21 Openwave’s subpoena;

22 WHEREAS, the parties believe that good cause exists for a short continuance of the
23 February 10, 2010 preliminary injunction hearing so that Openwave may evaluate the materials it
24 expects to receive from Mobixell in response to the subpoena before responding to the Court’s
25 January 25, 2010 Order;

26 THE PARTIES HEREBY STIPULATE, by and through their respective counsel, and
27 respectfully request that the Court continue the February 10, 2010 hearing to February 17, 2010 at
28 9:30 a.m., in Courtroom 4 of the San Jose Courthouse. Openwave shall file any additional papers

1 in support of its motion no later than February 5, 2010. 724 Solutions shall file any opposition no
2 later than February 12, 2010.

3 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

4 Dated: January 29, 2010

MORGAN, LEWIS & BOCKIUS LLP

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7 By /s/ Brett M. Schuman

Brett M. Schuman
Attorneys for Plaintiff

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9 Dated: January 29, 2010

FISH & RICHARDSON P.C.

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11 By /s/ Nagendra Setty

Nagendra Setty
Attorneys for Defendants

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13

14

[PROPOSED] ORDER

15

PURSUANT TO STIPULATION, IT IS SO ORDERED.

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17 Dated: 01/29/2010



RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE

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FILER'S ATTESTATION

I, Ryan L. Scher, am the ECF user whose identification and password are being used to file this STIPULATION AND [PROPOSED] ORDER CONTINUING HEARING. In compliance with General Order 45.X.B, I hereby attest that Brett M. Schuman and Nagendra Setty concur in this filing.

Dated: January 29, 2010

By /s/ Ryan L. Scher
Ryan L. Scher
Attorneys for Plaintiff