

1 **** E-filed February 10, 2010 ****

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7 NOT FOR CITATION

8 IN THE UNITED STATES DISTRICT COURT

9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 SAN JOSE DIVISION

11 OPENWAVE SYSTEMS, INC.,

No. C09-03511 RS (HRL)

12 Plaintiff,

**INTERIM ORDER RE: PLAINTIFF'S
MOTION TO COMPEL**

13 v.

14 724 SOLUTIONS (US) INC. and 724
SOLUTIONS SOFTWARE INC.,

[Re: Docket No. 74]

15 Defendants.

16 _____
AND RELATED COUNTERCLAIMS
17 _____/

18 On February 3, 2010, plaintiff filed a motion to compel defendants to provide supplemental
19 production concerning numerous interrogatories and requests for production. Allegedly, plaintiff's
20 counsel and defendants' former counsel had come to an agreement on these discovery issues
21 following a meet-and-confer effort. However, defendants' counsel withdrew on January 25, 2010.
22 The very next day, plaintiff's counsel held a meet-and-confer call with defendants' new counsel,
23 who at that time allegedly would not commit to honoring the former counsel's agreements.


24 Based on the court's review of plaintiff's motion, it does not appear that there have been
25 sufficient meet-and-confer efforts with defendants' new counsel to satisfy the requirements of Local
26 Rule 37-1. Accordingly, the court **ORDERS** the parties to meet-and-confer concerning the issues
27 plaintiff has raised in its motion to compel. To allow the parties sufficient time to do so, the hearing
28 on plaintiff's motion is **CONTINUED** to **April 6, 2010** at 10:00 a.m. Plaintiff shall file a

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supplemental brief advising the court of the parties' efforts and whether any of the issues in its current motion are resolved on **March 9, 2010**. The defendants' opposition or statement of non-opposition is due **March 16, 2010**. Plaintiff's reply, if any, is due **March 23, 2010**.

IT IS SO ORDERED.

Dated: February 10, 2010



HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE

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