

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

OPENWAVE SYSTEMS INC.,)

Plaintiff,)

vs.)

APPLE INC., RESEARCH IN MOTION LTD.)
and RESEARCH IN MOTION CORP.,)

Defendants.)

C.A. No. 11-765 MSG

**STIPULATION AND [PROPOSED] ORDER
TO STAY ACTION PENDING ITC DETERMINATION**

Plaintiff Openwave Systems Inc. (“Openwave”) and Defendants Apple Inc. (“Apple”), Research In Motion Ltd. and Research In Motion Corp. (collectively “RIM”) hereby stipulate, subject to the approval of the Court, as follows:

On August 31, 2011, Openwave filed its Complaint against Apple and RIM in this action (“the Delaware action”), alleging infringement of U.S. Patent Nos. 6,233,608, 6,289,212, 6,405,037, 6,430,409 and 6,625,447.

These same five patents are at issue in an ongoing ITC action, Investigation No. 337-TA-809 (“the ITC action”), instituted on October 7, 2011.

Pursuant to 28 U.S.C. § 1659, Apple and RIM are entitled to a mandatory stay of the Delaware action until the determination of the Commission becomes final.

The parties agree to an immediate stay of the Delaware action until such time as the ITC action has been finally resolved.

/s/ Rodger D. Smith II

Jack B. Blumenfeld (#1014)
Rodger D. Smith II (#3778)
MORRIS, NICHOLS, ARSHT &
TUNNELL LLP
1201 North Market Street
Wilmington, DE 19801
(302) 658-9200
rsmith@mnat.com

Attorneys for Plaintiff Openwave Systems Inc.

/s Richard K. Herrmann

Richard K. Herrmann (#405)
Mary B. Matterer (#2696)
Kenneth L. Dorsney (#3726)
MORRIS JAMES LLP
500 Delaware Avenue, Suite 1500
Wilmington, Delaware 19801
(302) 888-6800
rherrmann@morrisjames.com

Attorneys for Defendant Apple Inc.

/s/ Richard L. Horwitz

Richard L. Horwitz (#2246)
David E. Moore (#3983)
POTTER ANDERSON & CORROON LLP
Hercules Plaza, 6th Floor
1313 N. Market Street
Wilmington, DE 19899
(302) 984-6000
rhorwitz@potteranderson.com

*Attorneys for Defendants Research In
Motion Ltd. and Research In Motion Corp.*

IT IS SO ORDERED this ____ day of _____, 2011.

United States District Court Judge