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7 Attorneys for Plaintiff
XIMPLEWARE CORP.

8
9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

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12 **XimpleWare Corp.**, a California
Corporation,

13 Plaintiff;

14 v.

15 **Versata Software, Inc., f/k/a Trilogy**
16 **Software, Inc.**, a Delaware corporation;
17 **Trilogy Development Group, Inc.**, a
California corporation; **Ameriprise**
18 **Financial, Inc.**, a Delaware corporation;
19 **Ameriprise Financial Services, Inc.**, a
Delaware corporation; **Aurea Software, Inc.**,
20 **a/k/a Aurea, Inc.**, a Delaware corporation;
21 **Pacific Life Insurance Company**, a
Nebraska corporation; **United HealthCare**
22 **Services, Inc.**, a Minnesota corporation;
23 **Metropolitan Life Insurance Company**, a
New York corporation; **The Prudential**
24 **Insurance Company of America**, a New
Jersey corporation; **Wellmark, Inc.**, an Iowa
corporation, **Waddell & Reed Financial,**
Inc., a Delaware corporation; and **Aviva USA**
Corporation, an Iowa corporation,

25 Defendants.

Case No. 5:13-cv-05161 PSG

**STIPULATION AND [~~PROPOSED~~] ORDER TO
CONTINUE HEARING DATE**

Civ. L.R. 6-1(b)

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STIPULATION TO CONTINUE HEARING DATE

This Stipulation is entered into by Plaintiff XimpleWare, Corp. and Defendants United Healthcare Services, Inc., Waddell & Reed Financial, Inc., Pacific Life Insurance Co., The Prudential Insurance Company of America, Wellmark, Inc., Aviva USA Corp., Versata Software, Inc., Trilogy Development Group, Inc., and Aurea Software, Inc., by their respective counsel.

RECITALS

WHEREAS several motions have been set to be heard in the U.S. District Court of the Northern District of California before Magistrate Judge Paul S. Grewal on August 14, 2014 at 1:30 P.M.;

WHEREAS counsel for Plaintiff XimpleWare Corp. is unable to attend the hearings on the date currently set due to unforeseen circumstances involving serious illness of a family member;

THEREFORE, pursuant to Civil L.R. 6-1(b), counsel for the above mentioned parties stipulate to continue the date of the hearing of the following motions, concurrently set for August 14, 2014 at 1:30 P.M., to **September 9, 2014 at 10:00 A.M.** or as soon thereafter as they may be heard in the U.S. District Court of the Northern District of California:

1. Defendant United Healthcare Services, Inc.’s Motion to Dismiss (Dkt. 89);
2. Defendant Waddell & Reed Financial, Inc.’s Motion to Dismiss (Dkt. 90);
3. Defendants Pacific Life Insurance, Co.’s, The Prudential Insurance Company of America’s, Wellmark, Inc.’s, and Aviva USA Corp.’s Motion to Dismiss (Dkt. 91);
4. Defendants Versata Software, Inc.’s, Trilogy Development Group, Inc.’s and Aurea Software, Inc.’s Motion to Dismiss (Dkt. 93).

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SO STIPULATED.

COMPUTERLAW GROUP, LLP

Dated: August 8, 2014

By: /s/ Christopher Sargent
Jack Russo
Christopher Sargent
Ansel Halliburton

Attorneys for Plaintiff
XIMPLEWARE CORP.

HOGAN LOVELLS US, LLP

Dated: August 8, 2014

By: /s/ Clayton C. James
Clayton C. James
Srecko Vidmar

Attorneys for Defendant
UNITED HEALTHCARE SERVICES, INC.

PAUL HASTINGS, LLP

Dated: August 8, 2014

By: /s/ Robert M. Masters
Robert M. Masters
Elizabeth A. Dorsi
Ryan D. Fabre

Attorneys for Defendant
WADDELL & REED FINANCIAL, INC.

AHMAD, ZAVITSANOS, ANAIPAKOS,
ALAVI & MENSING, P.C.

Dated: August 8, 2014

By: /s/ Amir Alavi
Alisa Lipski
Amir Alavi
Benjamin F. Foster

Attorneys for Defendants
PACIFIC LIFE INS., CO.
METROPOLITAN LIFE INS., CO.
THE PRUDENTIAL INS. COMPANY OF
AMERICA
WELLMARK, INC.
AVIVA USA, CORP.

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AHMAD, ZAVITSANOS, ANAIPAKOS,
ALAVI & MENSING, P.C.

Dated: August 8, 2014

By: /s/ Amir Alavi
Alisa Lipski
Amir Alavi
Benjamin F. Foster

Attorneys for Defendants
VERSATA SOFTWARE, INC.
TRILOGY DEVELOPMENT GROUP, INC.
AUREA SOFTWARE, INC.

IT IS SO ORDRED.

Dated: August 12, 2014

Paul S. Grewal
The Honorable Paul S. Grewal
United States Magistrate Judge

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