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 11 ***and Ameriprise Financial Services, Inc.***

8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA  
 10 SAN JOSE DIVISION

11 XIMPLEWARE CORP.,  
 12 Plaintiff,

13 v.

14 VERSATA SOFTWARE, INC. F/K/A  
 15 TRILOGY SOFTWARE, INC.; TRILOGY  
 16 DEVELOPMENT GROUP, INC.;  
 17 AMERIPRISE FINANCIAL, INC.;  
 18 AMERIPRISE FINANCIAL SERVICES, INC.;  
 19 AUREA SOFTWARE, INC A/K/A AUREA,  
 20 INC.; PACIFIC LIFE INS. CO; UNITED  
 21 HEATHCARE SERVICES, INC.;  
 22 METROPOLITAN LIFE INS. CO.; THE  
 23 PRUDENTIAL INS. CO. OF AMERICA;  
 24 WELLMARK, INC.; WADDELL & REED  
 25 FINANCIAL, INC.; AND AVIVA USA CORP.,

26 Defendants.

Case No. 13-cv-05161-PSG

DEFENDANTS AMERIPRISE FINANCIAL,  
 INC. AND AMERIPRISE FINANCIAL  
 SERVICES, INC.’S NOTICE OF  
 WITHDRAWAL OF MOTION TO DISMISS

27 PLEASE TAKE NOTICE THAT: On December 3, 2012, Defendants Ameriprise Financial,  
 28 Inc. and Ameriprise Financial Services, Inc., (“Ameriprise”) filed a motion to dismiss Plaintiff  
 XimpleWare Corp.’s (“XimpleWare”) claims of patent infringement and declaratory relief alleged in  
 its Complaint filed in this action. (Dkt. No. 15.) On December 17, 2013, the date its Opposition to  
 Ameriprise’s motion was due, Plaintiff XimpleWare instead filed an Amended Complaint.

1 (Dkt. No. 18.) Pursuant to Civil L.R. 7-7, Ameriprise hereby notifies the Court that it is accordingly  
2 withdrawing its pending motion to dismiss, and will timely file a renewed response to the Amended  
3 Complaint. Fed. R. Civ. P. Rule 15(a)(3).

4 Dated December 31, 2013.

5 /s/ Gregory S. Tamkin  
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12 and Ameriprise Financial Services, Inc.*

CERTIFICATE OF SERVICE

On December 31, 2013, I caused the foregoing document, titled DEFENDANTS AMERIPRISE FINANCIAL, INC. AND AMERIPRISE FINANCIAL SERVICES, INC.'S NOTICE OF WITHDRAWAL OF MOTION TO DISMISS, to be electronically filed with the court, which will cause a Notice of Electronic Filing to be automatically generated by the court's electronic filing system and sent to all parties in this case. Pursuant to General Order No. 45, Sections II.G. and IX, the Notice of Electronic Filing when e-mailed to the email addresses of record for counsel in the case constitutes service on the receiving parties.

/s/ Gregory S. Tamkin  
Gregory S. Tamkin