

1 EDWARD R. REINES (Bar No. 135960)  
 2 edward.reines@weil.com  
 3 WEIL, GOTSHAL & MANGES LLP  
 4 201 Redwood Shores Parkway  
 5 Redwood Shores, CA 94065  
 Telephone: (650) 802-3000  
 Facsimile: (650) 802-3100  
 Attorney for MFORMATION SOFTWARE  
 TECHNOLOGIES, INC.

6 JUSTIN E. GRAY (Bar No. 282452)  
 7 jgray@foley.com  
 8 FOLEY & LARDNER LLP  
 9 3579 Valley Centre Drive , Ste. 300  
 San Diego, CA 92130-3302  
 Telephone: (858) 847-6764

10 Attorney for MFORMATION  
 11 TECHNOLOGIES, INC.

LINDA S. DEBRUIN (Admitted to this  
 Court on September 27, 1991)  
 ldebruin@kirkland.com  
 KIRKLAND & ELLIS LLP  
 300 North LaSalle  
 Chicago, IL 60654  
 Telephone: (312) 862-2000  
 Facsimile: (312) 862-2200

Attorney for Defendants  
 RESEARCH IN MOTION LIMITED and  
 RESEARCH IN MOTION  
 CORPORATION

12  
 13 **UNITED STATES DISTRICT COURT**  
 14 **NORTHERN DISTRICT OF CALIFORNIA**  
 15 **SAN FRANCISCO DIVISION**

16 MFORMATION TECHNOLOGIES, INC.,

17 Plaintiff,

18 v.

19 RESEARCH IN MOTION LIMITED and  
 20 RESEARCH IN MOTION CORPORATION,

21 Defendants.

Case No. C-08-4990 EMC

**STIPULATION AND [PROPOSED]  
 ORDER TO MODIFY PROTECTIVE  
 ORDER**

22  
 23 The undersigned counsel for Defendants Research In Motion Limited and  
 24 Research In Motion Corporation (collectively, “Defendants-Appellees”), and for Plaintiff  
 25 Mformation Technologies, Inc. (“Mformation Technologies”), along with the undersigned  
 26 counsel for Mformation Software Technologies, Inc. (“Mformation Software”), hereby  
 27 stipulate and agree, subject to the Court’s approval, as follows:  
 28

1           WHEREAS, the above-captioned action is on appeal to the United States  
2 Court of Appeals for the Federal Circuit in *Mformation Technologies v. Research in*  
3 *Motion*, No. 2012-1679, 2013-1123 (Fed. Cir.);

4           WHEREAS, Mformation Software has moved, pursuant to FRAP 43, to  
5 substitute as appellant based on its contention that it has obtained Mformation  
6 Technologies' rights in this litigation, including all right, title, and interest to the patents-  
7 in-suit and the right to sue for past infringement;

8           WHEREAS, Defendants-Appellees have opposed Mformation Software's  
9 motion to substitute as appellant and have moved to dismiss the appeal but, without  
10 waiving their rights with respect to such motions, desire to facilitate briefing under the  
11 schedule set by the Federal Circuit;

12           WHEREAS, the Protective Order in effect in this case contemplates  
13 modification with this Court's approval, *see* Dkt. No. 51 [Stipulated Protective Order (as  
14 modified by the Court)] at § 6.4; and

15           WHEREAS, this Court retains jurisdiction over the parties and over  
16 collateral aspects of the above-captioned case not affecting the questions presented on  
17 appeal<sup>1</sup>;

18           THEREFORE, Mformation Technologies, Defendants-Appellees, and  
19 Mformation Software hereby stipulate to the following:

20           1.     Section 1 of the May 14, 2009 Protective Order (Dkt. No. 51) ("the  
21 Protective Order") is amended to add the following as its final paragraph:

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23  
24 <sup>1</sup> *See In re Silberkraus*, 336 F.3d 864, 869 (9th Cir. 2003) (exception to general rule that  
25 the filing of a notice of appeal divests the district court of jurisdiction "where the district  
26 court action aids" the appeals court "in [its] review"); *Weaver v. Fla. Power & Light Co.*,  
27 172 F.3d 771 (11th Cir. 1999) ("The general rule regarding divestiture of jurisdiction"  
28 does "not apply to collateral matters not affecting the questions presented on appeal.");  
*see also* Dkt. No. 51 [Protective Order] at § 6.2 (this Court shall retain jurisdiction over  
the parties and any other person who has had access to Protected Information pursuant to  
this Order").

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All provisions of this Order applicable to Mformation Technologies and its Outside Counsel shall apply to and be binding on Mformation Software and its Outside Counsel, respectively. Outside Counsel for Mformation Software shall be permitted access to Protected Information under this Order to the same extent and subject to the same restrictions and obligations as Outside Counsel for Mformation Technologies.

2. The Protective Order is also amended to add the following section:

**5.9 Effect of Modification (added by stipulation of March 11, 2013)**

Mformation Software shall be bound by the restrictions of this Protective Order as if it were a Receiving Party with respect to any Discovery Material.

3. No other changes to the May 14, 2009 Protective Order are authorized hereby.

**IT IS SO STIPULATED.**

Respectfully submitted,

Dated: March 11, 2013

WEIL, GOTSHAL & MANGES LLP

By:           /s/ Edward R. Reines            
Edward R. Reines  
Attorney for  
MFORMATION  
SOFTWARE  
TECHNOLOGIES, INC.



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**ORDER ON THE FOREGOING STIPULATION**

The Court, having reviewed the above stipulation and finding good cause therefor, renders this stipulation a binding ORDER of this Court.

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: 3/25/13

