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14 (Additional counsel listed on signature pages)

15 UNITED STATES DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA  
17 SAN FRANCISCO DIVISION

18 VISTO CORPORATION,  
19 Plaintiff and Counterclaim-Defendant,  
20  
21 v.  
22 RESEARCH IN MOTION LIMITED, and,  
23 RESEARCH IN MOTION  
24 CORPORATION  
25 Defendants and Counterclaim-Plaintiffs.

Case No. CV-08-80031-JSW (JL)  
Court of Original Jurisdiction:  
Civil Action No. 2-06-CV-181-TWJ(CE)  
United States District Court for the Eastern  
District of Texas - Marshall Division

**DECLARATION OF MARTIN C. ROBSON  
IN SUPPORT OF VISTO'S OPPOSITION  
TO GOOGLE'S MOTION TO QUASH  
SUBPOENA, OR IN THE ALTERNATIVE,  
FOR PROTECTIVE ORDER; VISTO'S  
CROSS-MOTION TO COMPEL  
[REDACTED]**

Date: April 23, 2008  
Time: 9:30 a.m.

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I, Martin C. Robson, declare as follows:

1. I am an attorney in the law firm of McKool Smith, P.C., counsel of record for Visto Corporation in the above-captioned matter. I have personal knowledge of the following facts and, if called upon to do so, I could and would testify competently thereto.

2. Attached as Exhibit A is a true and correct copy of Visto Corporation's Original Complaint for Patent Infringement against Research in Motion Limited and Research in Motion Corporation in the case styled as *Visto Corporation. v. Research in Motion Limited and Research in Motion Corporation*, C.A. No. 2-06-CV-181-TJW(CE), United States District Court for the Eastern District of Texas, Marshall Division .

3. Attached as Exhibit B is a true and correct copy of Research in Motion Limited and Research in Motion Corporation's Supplemental Objections and Responses to Visto Corporation's Sixth Set of Interrogatories dated January 18, 2008.

4. Attached as Exhibit C is a true and correct copy of Visto Corporation's Subpoena in a Civil Case issued to Mr. Kent Walker, General Counsel of Google, Inc., dated February 1, 2008.

5. Attached as Exhibit D is a true and correct copy of Visto Corporation's Subpoena in a Civil Case issued to Mr. Khari J. Tillery, outside counsel for Google, Inc., dated March 5, 2008.

6. Attached as Exhibit E is a true and correct copy of a letter from Mr. Michael H. Page to Mr. Geoffrey L. Smith dated March 10, 2008.

7. Attached as Exhibit F is a true and correct copy of a webpage from Google's corporate website. The link to the webpage is

1 <https://mail.google.com/support/bin/answer.py?answer=78882> and was printed on March 28,  
2 2008.

3 8. Attached as Exhibit G is a true and correct copy of a webpage from Google's  
4 corporate website. The link to the webpage is  
5 <https://mail.google.com/support/bin/answer.py?answer=14748> and was printed on March 28,  
6 2008.

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8 9. Attached as Exhibit H is a true and correct copy of certain excerpts from the  
9 February 21, 2008 Deposition of Ryan Harkins.

10 10. Attached as Exhibit I is a true and correct copy of certain excerpts from the March  
11 12, 2008 Deposition of David Clarke.

12 11. Attached as Exhibit J is a true and correct copy of certain excerpts from the  
13 February 12, 2008 Deposition of Michael Morrissey.

14 12. Attached as Exhibit K is a true and correct copy of certain excerpts from the  
15 February 20, 2008 Deposition of David Castell.

16 13. Attached as Exhibit L is a true and correct copy of the January 29, 2007 Notice of  
17 Scheduling Conference, Proposed Deadlines for Docket Control Order and Discovery Order  
18 entered in the lawsuit styled as *Visto Corporation. v. Research in Motion Limited and Research*  
19 *in Motion Corporation*, C.A. No. 2-06-CV-181-TJW(CE), United States District Court for the  
20 Eastern District of Texas, Marshall Division .  
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22 14. Attached as Exhibit M is a true and correct copy of a letter from Mr. Hao Ni to  
23 Mr. Craig D. Leavell dated February 19, 2008.

24 15. Attached as Exhibit N is a true and correct copy of an email string between Ms.  
25 Tiffany Cunningham and Mr. Geoffrey Smith dated March 4, 2008.  
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16. Attached as Exhibit O is a true and correct copy of a letter from Mr. Khari J. Tillery to Mr. Geoffrey L. Smith dated March 4, 2008.

17. Attached as Exhibit P is a true and correct copy of the April 2, 2007 Agreed Protective Order entered in the lawsuit styled as *Visto Corporation. v. Research in Motion Limited and Research in Motion Corporation*, C.A. No. 2-06-CV-181-TJW(CE), United States District Court for the Eastern District of Texas, Marshall Division.

18. On at least three occasions, counsel for Visto Corporation and counsel for Google, Inc. conferred by telephone and attempted, unsuccessfully, to resolve the dispute regarding the third-party subpoena that is the subject of Google, Inc.'s motion to quash and Visto Corporation's cross-motion to compel.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 31st day of March, 2008 at Dallas, Texas.

  
Martin C. Robson