

# **EXHIBIT**

## **N**

**Martin C. Robson**

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**From:** Geoffrey Smith  
**Sent:** Friday, March 14, 2008 3:48 PM  
**To:** Martin C. Robson  
**Subject:** FW: Visto v. RIM: Correspondence

Here is the email to RIM requesting the docs in the subpoena and RIM's non-response.

-----Original Message-----

**From:** Tiffany Cunningham [mailto:tcunningham@kirkland.com]  
**Sent:** Tuesday, March 04, 2008 12:07 PM  
**To:** Geoffrey Smith  
**Cc:** Holly E. Engelmann; Hao Ni; jmcdoles@kirkland.com; ldebruin@kirkland.com; Monica Barbey; Steven J. Pollinger  
**Subject:** RE: Visto v. RIM: Correspondence

Dear Geoff:

To the extent the document requests in the Google, Yahoo, AOL, and Microsoft subpoenas ("third-party subpoenas") relate to issues in this case, we have performed a reasonable search for documents within RIM's possession, custody, or control and produced those documents. If RIM finds additional documents responsive to the document requests in the third-party subpoenas, RIM will also produce those documents.

Best regards,  
Tiffany Cunningham  
Kirkland & Ellis LLP  
(312) 861-2251

<gsmith@McKoolSmith.com>  
02/28/2008 07:08 PM  
To  
<tcunningham@kirkland.com>  
cc  
<ldebruin@kirkland.com>  
,  
<jmcdoles@kirkland.com>,  
<spollinger@McKoolSmith.com>,  
<hni@mckoolsmith.com>,  
<mbarbey@mckoolsmith.com>,  
<hengelmann@McKoolSmith.com>  
Subject  
RE: Visto v. RIM: Correspondence

Tiffany

We are still working with Google, Yahoo!, AOL, and Microsoft to obtain the requested discovery and will keep you informed regarding any documents that are produced and depositions that get scheduled.

On a similar note, it is our understanding that many if not all of the documents requested in the Google, Yahoo!, AOL, and Microsoft subpoenas relate to documents that are also within RIM's possession, custody or control. Please confirm that RIM has produced all documents within RIM's possession, custody or control responsive to the document requests in these subpoenas or let us know as soon as possible when RIM will be in a position to produce these documents.

Regards

Geoff

-----Original Message-----

From: Tiffany Cunningham  
[mailto:tcunningham@kirkland.com]  
Sent: Thursday, February 28, 2008 10:28 AM  
To: Geoffrey Smith  
Cc: Linda DeBruin; Jamie McDole  
Subject: Fw: Visto v. RIM: Correspondence

Dear Geoffrey:

I have not received a response to my February 15 letter (attached for convenience below). Please let me know today whether the depositions that you noticed in connection with the Google, Yahoo!, AOL, and Microsoft subpoenas are going forward. If so, please confirm the dates, locations, and times for these depositions. The noticed dates are March 3-6.

Moreover, to the extent that any documents responsive to the third party subpoenas are produced to Visto, please immediately produce to RIM, and confirm in writing that you have produced to RIM, all documents responsive to these subpoenas.

Best regards,  
Tiffany Cunningham  
Kirkland & Ellis LLP  
(312) 861-2251

----- Forwarded by Tiffany  
Cunningham/Chicago/Kirkland-Ellis on 02/28/2008 10:11 AM -----

Tiffany Cunningham/ Chicago/ Kirkland -Ellis	To gsmith@mckoolsmith.com
02/15/2008 05:05 PM	CC Visto-RIM-EDTX@manatt.com, Visto/RIM@McKoolSmith.com, RIM Correspondence, Linda DeBruin/Chicago/Kirkland-Ellis@K&E, Jamie McDole/Chicago/Kirkland-Ellis@K&E
	Subject Visto v. RIM: Correspondence

(See attached file: 2-15-08 Cunningham Letter to Smith.pdf)

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