

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

VISTO CORPORATION,
Plaintiff and Counterclaim-Defendant,
v.
RESEARCH IN MOTION LIMITED, and
RESEARCH IN MOTION
CORPORATION
Defendants and Counterclaim-Plaintiffs.

Case No. CV-08-0031-MSC
Court of Original Jurisdiction:
Civil Action No. 2-06-CV-181-TJW(CE)
United States District Court For The Eastern
District of Texas - Marshall Division
**[PROPOSED] ORDER RE GOOGLE’S
MOTION TO QUASH, OR IN THE
ALTERNATIVE, FOR PROTECTIVE
ORDER; VISTO’S CROSS-MOTION TO
COMPEL**

MCKOOL SMITH
A PROFESSIONAL CORPORATION • ATTORNEYS
DALLAS, TEXAS

Before the Court is Google, Inc.’s Motion to Quash Subpoena, or in the Alternative, For Protective Order, and Visto Corporation’s Cross-Motion to Compel Google to Comply with Third-Party Subpoena. After considering the motions, along with the response and replies, and all evidence presented by the parties, the Court finds that Google, Inc.’s Motion to Quash Subpoena, or in the Alternative, For Protective Order should be and hereby is DENIED, and Visto Corporation’s Cross-Motion to Compel Google, Inc. to Comply with Third-Party Subpoena should be and hereby is GRANTED.

It is, therefore, ORDERED, ADJUDGED and DECREED that Google, Inc.’s Motion to Quash Subpoena, or in the Alternative, For Protective Order is denied.

It is further ORDERED, ADJUDGED and DECREED that within five (5) business days from the date of this Order, Google, Inc. shall produce to Visto Corporation copies of all

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

documents within its possession, custody, or control that are responsive to the subpoena served on Google, Inc.

It is further ORDERED, ADJUDGED and DECREED that within five (5) business days from the date of this Order, Google, Inc. shall identify and produce a corporate representative for deposition on the topics listed in the subpoena served on Google, Inc.

It is further ORDERED, ADJUDGED and DECREED that Google, Inc. reimburse Visto Corporation for the attorneys' fees and costs associated with the preparation of this motion.

IT IS SO ORDERED.

Signed this _____ day of _____, 2008

UNITED STATES DISTRICT JUDGE