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Attorneys for Third-Party Google Inc.

9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA  
 11 SAN FRANCISCO DIVISION

12 VISTO CORPORATION,  
 13  
 14 Plaintiff,  
 15 v.  
 16 RESEARCH IN MOTION LIMITED, et al.,  
 17 Defendant.

Misc. Civil Case No. CV-08-80031-MISC-JL  
 Court of Original Jurisdiction  
 U.S. Dist. Ct.  
 E. Dist. Texas  
 Marshall Division  
 Case No. 2-06-CV-181-TJW

**STIPULATION TO CONTINUE  
 HEARING ON MOTION TO QUASH, OR  
 IN THE ALTERNATIVE, FOR A  
 PROTECTIVE ORDER**

**RECITAL**

21 On February 1, 2008, Visto Corporation issued a subpoena to third party Google Inc. in  
 22 the matter of *Visto Corporation v. Research in Motion Limited, et al.*, Eastern District of Texas  
 23 Case No. 2:06-CV-181 (TJW).

24 On March 10, 2008, Google filed a motion to quash the subpoena, or in the alternative,  
 25 for a protective order, which is now pending before this Court and scheduled for hearing on  
 26 April 23, 2008.

27 Visto and Google are currently working together to negotiate a compromise that, if  
 28 successful, would resolve the subpoena and render Google's motion moot.

1 Given these ongoing negotiations, Visto and Google agree that it would be prudent to  
2 continue the hearing from April 23 to May 7, 2008 to avoid any unnecessary briefing by the  
3 parties or work by the Court.

4 **STIPULATION**

5 For the foregoing reasons, the parties, through their undersigned counsel, stipulate and  
6 agree to continue the hearing date for Google's motion to quash from April 23 to May 7, 2008 at  
7 9:30 a.m. The parties further stipulate that Google's reply brief, by operation of the Civil Local  
8 Rules, will come due April 23, 2008.

9 IT IS SO STIPULATED.

10 Dated: April 7, 2008

KEKER & VAN NEST, LLP

11  
12 By: /s/ Khari J. Tillery  
KHARI J. TILLERY  
13 Attorneys for Third Party Google Inc.

14 Dated: April 7, 2008

SPIEGEL LIAO & KAGAY, LLP

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16 By: /s/ Charles M. Kagay  
CHARLES M. KAGAY  
17 Attorneys for Plaintiff Visto Corporation

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

19 Dated: April\_\_, 2008

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21 \_\_\_\_\_  
The HONORABLE JAMES LARSON  
United States Magistrate Judge  
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