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13 Attorneys for Plaintiff Visto Corporation
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 v.
21 RESEARCH IN MOTION LIMITED, and
22 RESEARCH IN MOTION CORPORATION
23 Defendants and Counterclaim-Plaintiffs.

Case No. CV-08-0031-MS
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

**STIPULATION OF COUNSEL RE: USE
AND DISCLOSURE OF DOCUMENTS
SUBMITTED UNDER SEAL BY VISTO
CORPORATION**

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

1 Plaintiff Visto Corporation (“Visto Corporation”) and Google Inc. (“Google”), by and
2 through their respective counsel of record, hereby stipulate and agree as follows:

3 1. Google agrees to abide by the terms of the Agreed Protective Order entered by the
4 U.S. District Court for the Eastern District of Texas on April 2, 2007 in the original action, *Visto*
5 *Corporation. v. Research in Motion Limited and Research in Motion Corporation*, Case No. 2-
6 06-CV-181-TJW (CE). This agreement pertains only to Google’s and its outside counsel’s
7 receipt of the materials identified below in paragraphs 2 and 3, and is not an agreement that
8 Google agrees for any other purpose to be bound by the Agreed Protective Order. Specifically,
9 while Visto contends the Agreed Protective Order would apply to any information that Google
10 may eventually produce in response to Visto’s subpoena, Google does not agree by this
11 Stipulation that the Agreed Protective Order would be applicable to such information. A true
12 and correct copy of the Agreed Protective Order is attached to the accompanying Declaration of
13 Martin C. Robson and designated Exhibit 1.”
14

15
16 2. The Agreed Protective Order governs the manner in which Google may use and
17 disclose the protected information found in the below documents, which Visto Corporation
18 submitted under seal pursuant to the Agreed Protective Order and pursuant to Local Rule 79-5:

- 19 a. Visto Corporation’s Opposition to Google’s Motion to Quash Subpoena, or in
20 the Alternative, For Protective Order, and Visto Corporation’s Cross-Motion
21 to Compel Google to Comply with Third-Party Subpoena;
22 b. Declaration of Martin C. Robson in Support of Visto Corporation’s
23 Opposition to Google’s Motion to Quash Subpoena, or in the Alternative, For
24 Protective Order, and Visto Corporation’s Cross-Motion to Compel Google to
25 Comply with Third-Party Subpoena, including accompanying exhibits.

26 3. To the extent the above documents contain information designated as
27 “Confidential – Attorney’s Eyes Only” or “Confidential – Attorney’s Eyes Only – Computer
28 Source Code,” Google agrees to comply with sections 5.2 and 5.3 of the Agreed Protective Order

1 by restricting the use and disclosure of such information only to its outside counsel as defined in
2 the Protective Order. In particular, Exhibits B, H, I, J and K contain RIM Confidential -
3 Attorney's Eyes Only information, and should be treated in accordance with section 5.2 of the
4 Agreed Protective Order.

5 4. Upon receiving Google's executed Written Acknowledgement to Abide by the
6 Terms of the Protective Order (Attachment A to the Agreed Protective Order), Visto Corporation
7 shall serve on Google the unredacted versions of the two documents set forth above.
8

9 Dated: April 3, 2008.

10
11 /s/ Charles M. Kagay

12 _____
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8 /s/ Khari J. Tillery

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15 **ATTORNEYS FOR GOOGLE, INC.**

16
17 SPIEGEL LIAO & KAGAY, LLP

18 I, Charles M. Kagay, attest that concurrence
19 in the filing of the document has been
obtained from each of the other signatories.

20 /s/ Charles M. Kagay
21 _____
Charles M. Kagay

22
23 PURSUANT TO STIPULATION, IT IS SO ORDERED

24 DATED: April 8, 2008

25 
26 _____
United States Magistrate Judge

26
27
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