

1 ANDREW VALENTINE, Bar No. 162094  
 andrew.valentine@dlapiper.com  
 2 BRENT YAMASHITA, Bar No. 206890  
 brent.yamashita@dlapiper.com  
 3 DLA PIPER LLP (US)  
 2000 University Avenue  
 4 East Palo Alto, CA 94303-2214  
 Tel: 650.833.2000  
 5 Fax: 650.833.2001

6 Attorneys for All Defendants and Counterclaimants

7 [Names of Represented Parties & Additional Counsel  
Listed on Signature Block]  
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9

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

13 MSHIFT, INC., a Delaware Corporation,  
 14 Plaintiff,  
 15 v.  
 16 DIGITAL INSIGHT CORPORATION d/b/a  
 17 INTUIT FINANCIAL SERVICES, a  
 Delaware corporation et al.,  
 18 Defendants.

CASE NO. C10-00710 (WHA)

**STIPULATION AND ORDER  
 RE DEFENDANTS' BILL OF  
 COSTS**

19 AND RELATED COUNTERCLAIMS  
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1 Pursuant to Civil Local Rule 7-12, IT IS HEREBY STIPULATED by and between  
2 plaintiff MShift, Inc. (“MShift”) and Defendants and Counterclaimants Digital Insight  
3 Corporation d/b/a Intuit Financial Services (“DI”), Mobile Money Ventures, LLC (“MMV”),  
4 Community Trust Bank, Vision Bank, Meritrust Credit Union, Professional Federal Credit Union,  
5 Sanford Institution for Savings, Fort Worth Community Credit Union, USE Credit Union, Gate  
6 City Bank, Busey Bank, Denison State Bank, Fidelity Bank and First Internet Bank of Indiana  
7 (collectively, “Defendants”), by and through their counsel of record, as follows:

8 WHEREAS, the Court entered final judgment in this action against MShift on October,  
9 18, 2010;

10 WHEREAS, on November 1, 2010, Defendants filed and served their Bill of Costs and  
11 supporting declarations of Andrew Valentine and Rodger Cole in accordance with the Federal  
12 Rules of Civil Procedure and Local Rule 54-1;

13 WHEREAS, on November 10, 2010, counsel for MShift sent an e-mail to counsel for  
14 Defendants requesting a meet and confer regarding Defendants’ Bill of Costs;

15 WHEREAS, on November 11, 2010, counsel for MShift and counsel for Defendants met  
16 and conferred in good faith regarding Defendants’ Bill of Costs;

17 WHEREAS, in the interest of avoiding unnecessary motion practice, the parties agreed to  
18 a reduction of the total amount of Defendants’ Bill of Costs as detailed below;

19 WHEREAS, the parties agree that this Stipulation does not affect Mshift’s ability to seek a  
20 stay of the judgment from the Court;

21 The parties hereby STIPULATE to the following modifications of Defendants’ Bill of  
22 Costs and request that the Clerk make his or her assessment based upon these stipulated costs:

- 23 • The costs incurred by DLA Piper LLP (US) on behalf of Defendants is reduced  
24 from \$30,572.73 to \$27,500;
- 25 • The costs incurred by Fenwick & West LLP on behalf of Digital Insight is reduced  
26 from \$24,630.87.61 to \$19,000; and

27 Accordingly, the total costs incurred by Defendants as detailed in Defendants’ Bill of  
28 Costs is reduced from \$55,203.60 to \$46,500.

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SO STIPULATED.

Date: November 15, 2010

BERGESON, LLP

By: /s/ Melinda Morton  
Melinda M. Morton

Attorneys for Plaintiff, Counter-Defendant, and  
Counter-Claimant MSHIFT, INC.

Date: November 15, 2010

DLA PIPER LLP

By: /s/ Andrew P. Valentine  
Andrew P. Valentine

Attorneys for Certain Defendants and  
Counterclaimants, DIGITAL INSIGHT  
CORPORATION and MMV, et al.

Date: November 15, 2010

DLA PIPER LLP

By: /s/ Rodger Cole  
Rodger Cole

Attorneys for Certain Defendant and  
Counterclaimant DIGITAL INSIGHT  
CORPORATION

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**ORDER**

GOOD CAUSE APPEARING, it is hereby ORDERED as follows:


The Court adopts the Stipulation agreed to between the parties with respect to Defendants' Bill of Costs, including the following modifications:

1. The costs incurred by DLA Piper LLP (US) on behalf of Defendants is reduced from \$30,572.73 to \$27,500;
2. The costs incurred by Fenwick & West LLP on behalf of Digital Insight is reduced from \$24,630.87.61 to \$19,000; and
3. The total costs incurred by Defendants as detailed in Defendants' Bill of Costs is reduced from \$55,203.60 to \$46,500.

The Clerk of the Court will make its assessment of taxable costs using the revised total amount of \$46,500.

IT IS SO ORDERED.

DATED: November 18, 2010.

  
\_\_\_\_\_  
The Honorable William Alsup  
United States District Court Judge

1 List of Counsel Submitting Stipulation:

2 ANDREW VALENTINE, Bar No. 162094  
andrew.valentine@dlapiper.com  
3 BRENT YAMASHITA, Bar No. 206890  
brent.yamashita@dlapiper.com  
4 ERIK R. FUEHRER, Bar No. 252578  
erik.fuehrer@dlapiper.com  
5 DLA PIPER LLP (US)  
2000 University Avenue  
6 East Palo Alto, CA 94303-2214  
Tel: 650.833.2000  
7 Fax: 650.833.2001

8 Attorneys for Defendants & Counterclaimants  
DIGITAL INSIGHT CORPORATION d/b/a  
9 INTUIT FINANCIAL SERVICES, COMMUNITY  
TRUST BANK, MOBILE MONEY VENTURES,  
10 LLC, MERITRUST CREDIT UNION,  
PROFESSIONAL FEDERAL CREDIT UNION,  
11 SANFORD INSTITUTION FOR SAVINGS, FORT  
WORTH COMMUNITY CREDIT UNION, USE  
12 CREDIT UNION, GATE CITY BANK, BUSEY  
BANK, DENISON STATE BANK, FIDELITY  
13 BANK, FIRST INTERNET BANK OF INDIANA  
VISION BANK

14 RODGER R. COLE, Bar No. 178865  
rcole@fenwick.com  
15 HEATHER N. MEWES, Bar No. 203690  
hmewes@fenwick.com  
16 SONGMEE L. CONNOLLY, Bar No. 228555  
sconnolly@fenwick.com  
17 FENWICK & WEST LLP  
18 Silicon Valley Center  
801 California Street  
19 Mountain View, CA 94041  
Telephone: 650.988.8500  
20 Facsimile: 650.938.5200

21 Attorneys for Defendant and Counterclaimant  
DIGITAL INSIGHT CORPORATION d/b/a  
22 INTUIT FINANCIAL SERVICES

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**ATTESTATION CLAUSE**

In accordance with General Order No. 45, Rule X.B, I hereby attest that concurrence in the filing of this document has been obtained from each of the other signatories.

Date: November 15, 2010

DLA PIPER LLP

By: /s/ Erik R. Fuehrer  
Erik R. Fuehrer