

1 Linda S. DeBruin  
 (Admitted to this Court on September 27,1991)  
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12 *Attorneys for Defendants and Counterclaim Plaintiffs*  
 13 RESEARCH IN MOTION LIMITED and  
 RESEARCH IN MOTION CORPORATION

14 UNITED STATES DISTRICT COURT  
 15 NORTHERN DISTRICT OF CALIFORNIA  
 16 SAN JOSE DIVISION

17 MFORMATION TECHNOLOGIES, INC., a  
 Delaware corporation,

18 Plaintiff and Counterclaim Defendant,

19 v.

20 RESEARCH IN MOTION LIMITED, a  
 21 Canadian corporation

22 AND

23 RESEARCH IN MOTION CORPORATION,  
 24 a Delaware corporation,

25 Defendants and Counterclaim Plaintiffs.  
 26

Case No. 5:08-CV-04990-JW

Jury Trial Demanded

**STIPULATION AND ~~PROPOSED~~ ORDER  
 PURSUANT TO CIVIL LOCAL  
 RULES 6-2 AND 7-12 REGARDING  
 TIMING FOR INEQUITABLE CONDUCT  
 EXPERT SUPPLEMENTAL REPORTS  
 AND CERTAIN DEPOSITIONS**

27  
 28 Stipulation and ~~Proposed~~ Order Pursuant to Civ. L.R.  
 7-12 Regarding Timing For Inequitable Conduct  
 Expert Supplemental Reports And Certain  
 Depositions

Case No. 5:08-CV-04990-JW

1 Plaintiff and Counterclaim Defendant Mformation Technologies, Inc. (“Mformation”) and  
2 Defendants and Counterclaim Plaintiffs Research In Motion Ltd. and Research In Motion Corp.  
3 (collectively, “RIM”) wish to avoid any dispute regarding the deadline for serving supplemental  
4 expert reports regarding RIM’s inequitable conduct claim added in its Amended Answer to  
5 Mformation’s Third Amended Complaint, filed April 8, 2011, and the timing of completing the  
6 depositions of inequitable conduct experts. Mformation’s damages expert also has scheduling  
7 conflicts during the discovery period. The scope and necessity for the continued depositions of  
8 Rakesh Kushwaha in his individual and 30(b)(6) capacities is contingent on the Court’s ruling on  
9 RIM’s pending motion to strike, which was heard on April 26. Mformation and RIM hereby agree:

10 1. RIM served its supplemental Federal Rule of Civil Procedure 26(a)(2)(B) disclosure  
11 regarding inequitable conduct on April 27, 2011.

12 2. Mformation shall serve its supplemental rebuttal Federal Rule of Civil Procedure  
13 26(a)(2)(B) disclosure regarding inequitable conduct on May 14, 2011.

14 3. The deposition of RIM’s expert on inequitable conduct will take place on May 17,  
15 2011.

16 4. The deposition of Mformation’s expert on inequitable conduct will take place on May  
17 19, 2011.

18 5. The deposition of Mformation’s expert on damages will take place on May 18, 2011.

19 6. The deposition of RIM’s expert on damages will take place on May 19, 2011.

20 7. The parties will work together to schedule the continued depositions of Rakesh  
21 Kushwaha in his individual and 30(b)(6) capacities, if necessary, after the Court’s ruling on RIM’s  
22 pending Motion to Strike Improper Errata Sheet, Preclude Reliance on Newly Produced Source  
23 Code, and for Discovery Sanctions, D.E. 389. The continued depositions of Rakesh Kushwaha in  
24 his individual and 30(b)(6) capacities may occur after the close of discovery, and the parties  
25 anticipate such continued depositions will be completed in one day on or before May 31, 2011.

26 Pursuant to L.R. 6-2(a), the Declaration of Meredith Zinanni in Support of the Stipulation  
27 Regarding Timing for Inequitable Conduct Expert Supplemental Reports and Depositions is filed

1 herewith.

2 DATED: April 29, 2011

FOLEY & LARDNER LLP

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By: /s/ Amar L. Thakur  
Amar L. Thakur  
Shawn E. McDonald  
Gina A. Bibby  
Justin E. Gray

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*Attorneys for Mformation Technologies, Inc.*

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8 DATED: April 29, 2011

KIRKLAND & ELLIS LLP

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By: /s/ Meredith Zinanni  
Linda S. DeBruin  
Mark H. Cohen (CA Bar No. 168773)  
Aaron D. Charfoos  
Meredith Zinanni  
Maria A. Maras

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*Attorneys for Research In Motion Limited and  
Research In Motion Corporation*

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15 Filer's Attestation: Pursuant to General Order No. 45, Section X(B) regarding signatures, Meredith  
16 Zinanni hereby attests that concurrence in the filing of this document has been obtained.  
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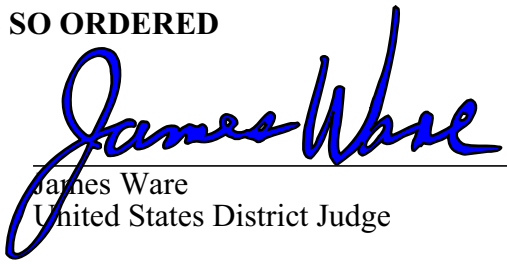
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**PURSUANT TO STIPULATION, IT IS SO ORDERED**

Date: May 2, 2011

  
James Ware  
United States District Judge

1 **CERTIFICATE OF SERVICE**

2 I hereby certify on this 29th day of April, 2011 that a copy of the foregoing was filed  
3 electronically through the Court's CM/ECF system, with notice of case activity automatically  
4 generated and sent electronically to all parties.

5  
6 DATED: April 29, 2011

KIRKLAND & ELLIS LLP  
Respectfully submitted,

7  
8 /s/ John Kanive

John Kanive  
Intellectual Property Legal Assistant

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10 Linda S. DeBruin  
(Admitted to this Court on September 27, 1991)  
11 Aaron D. Charfoos (*pro hac vice*)  
Meredith Zinanni (*pro hac vice*)  
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21 *Attorneys for Defendants and Counterclaim Plaintiffs*  
22 *Research In Motion Limited and Research In Motion*  
23 *Corporation*