

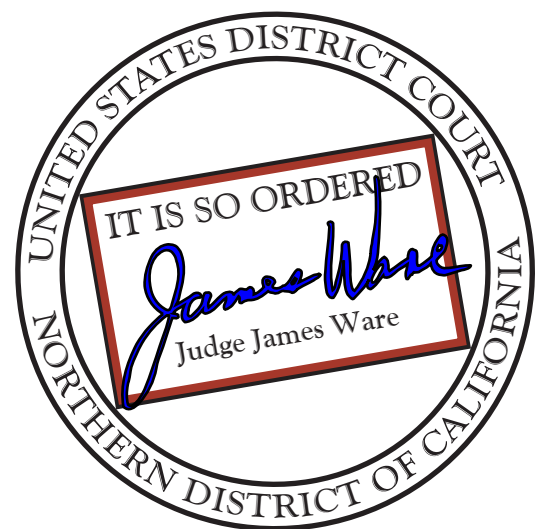
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 (Admitted to this Court on September 27,1991)
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14 *Attorneys for Defendants and Counterclaim Plaintiffs*
 15 RESEARCH IN MOTION LIMITED and
 RESEARCH IN MOTION CORPORATION

16 UNITED STATES DISTRICT COURT
 17 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

18 INFORMATION TECHNOLOGIES, INC.,
 19 a Delaware corporation,
 20 Plaintiff and Counterclaim Defendant,
 21 v.
 22 RESEARCH IN MOTION LIMITED,
 23 a Canadian corporation
 24 AND
 25 RESEARCH IN MOTION CORPORATION,
 26 a Delaware corporation,
 27 Defendants and Counterclaim Plaintiffs.



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
 CERTAIN DOCUMENT PRODUCTION,
 DEPOSITIONS, AND SUPPLEMENTAL
 EXPERT REPORTS**

28 Stipulation and ~~Proposed~~ Order Pursuant to Civ. L.R.
 6-2 and 7-12 Regarding Certain Document
 Production, Depositions, and Supplemental Expert
 Reports

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

1 In this case, Defendants and Counterclaim Plaintiffs Research In Motion Ltd. and Research
2 In Motion Corp. (collectively, "RIM") caused the Central District of California to issue a subpoena
3 to Mesirow Financial Consulting, LLC ("Mesirow") on February 28, 2011. Plaintiff and
4 Counterclaim Defendant Mformation Technologies, Inc. ("Mformation") moved to quash that
5 subpoena. On June 13, 2011, the Central District of California issued a tentative ruling denying
6 Mformation's motion to quash. At the hearing before the Central District of California on June 14,
7 2011, Mformation agreed to withdraw its motion to quash based on that tentative ruling.

8 In addition, on May 17, 2011 in this Court, RIM filed a motion to compel Mformation to
9 produce Mesirow-related documents that Mformation previously clawed-back as attorney-client
10 privileged. (Dkt. 497.) In that motion, RIM sought an Order from this Court instructing Mformation
11 to withdraw its claims of privilege and produce documents withheld or redacted that relate to a
12 valuation of Mformation's patents performed by a third party financial services advisor, Mesirow.
13 (*Id.* at 1.) Mformation has now agreed to produce those documents as well as a Rule 30(b)(6)
14 witness to testify as to them.

15 Although discovery in this case closed on May 13, 2011, RIM's subpoena to Mesirow was
16 timely issued over two months before the close of discovery, and called for compliance prior to the
17 close of discovery. In addition, RIM's motion to compel (Dkt. 497) was timely filed pursuant to
18 Civ. L.R. 37-3 within 7 days of the close of discovery.

19 Based on those agreements and to avoid further disputes regarding discovery relating to
20 Mesirow, Mformation and RIM hereby agree:

21 1. Mformation shall produce the documents that are the subject of RIM's motion to
22 compel in this Court (*i.e.*, the documents that Mformation previously withheld or redacted that relate
23 to a valuation performed by Mesirow) in unredacted form on June 17, 2011.

24 2. The parties will work together to schedule the continued deposition of Mformation's
25 Rule 30(b)(6) witness, to testify as to the Mesirow-related documents on or before July 15, 2011.
26 Mformation shall not object based on attorney-client privilege or work product protection to
27 questioning on the Mesirow-related documents during that deposition.

1 3. RIM shall withdraw its motion to compel (Dkt. 497) as moot, after Mformation
2 produces the documents that are the subject of RIM's motion to compel in this Court in unredacted
3 form.

4 4. Mformation withdraws its objections to Mesirow producing documents pursuant to
5 RIM's subpoena, and Mformation shall inform Mesirow that Mformation no longer objects to that
6 production. Mformation and RIM will work with Mesirow to schedule production of those
7 documents on or before June 22, 2011.

8 5. The parties will work together and with Mesirow to schedule the deposition of a
9 Mesirow witness pursuant to RIM's subpoena on or before July 8, 2011. Mformation shall not
10 object based on attorney-client privilege or work product protection to questioning on the Mesirow-
11 related documents during that deposition.

12 6. RIM's damages expert may submit a supplemental report limited to addressing the
13 Mesirow-related documents and deposition testimony on or before July 27, 2011. Mformation's
14 damages expert may submit a supplemental report limited to rebuttal of this supplemental report of
15 RIM's damages expert on or before August 9, 2011.

16 7. The discovery period in this case, which closed on May 13, 2011, is extended for the
17 limited purpose of taking only the discovery detailed above in Paragraphs 1-6.

18 8. By entering into this stipulation, Mformation is not waiving its rights to object during
19 the Mformation and Mesirow depositions referred to above, other than as expressly stated above.
20 Mformation also has not waived, and hereby reserves, its rights to object at any time to the
21 admissibility of any of the documents and testimony referred to above, on all grounds other than as
22 expressly stated above.

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DATED: June 17, 2011

FOLEY & LARDNER LLP

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

Attorneys for Mformation Technologies, Inc.

DATED: June 17, 2011

KIRKLAND & ELLIS LLP

By: /s/ Tiffany P. Cunningham
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Mark H. Cohen (CA Bar No. 168773)
Christopher R. Liro
Tiffany P. Cunningham
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Meredith Zinanni
Maria A. Maras

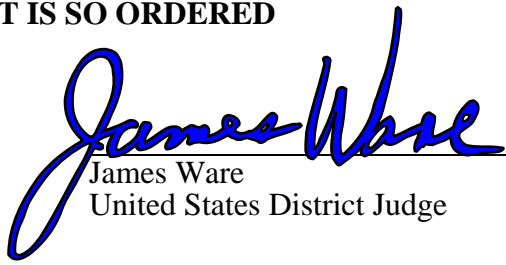
*Attorneys for Research In Motion Limited and
Research In Motion Corporation*

Filer's Attestation: Pursuant to General Order No. 45, Section X(B) regarding signatures, Tiffany P. Cunningham hereby attests that concurrence in the filing of this document has been obtained.

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PURSUANT TO STIPULATION, IT IS SO ORDERED

Date: June 24, 2011, 2011


James Ware
United States District Judge

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on June 17, 2011 a copy of the foregoing was filed electronically
3 through the Court’s CM/ECF system, with notice of case activity automatically generated and sent
4 electronically to all parties.

5
6 DATED: June 17, 2011

KIRKLAND & ELLIS LLP
Respectfully submitted,

7
8 /s/ Frank Carlow
9 Frank Carlow
Intellectual Property Legal Assistant

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(Admitted to this Court on September 27, 1991)
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24 *Research In Motion Limited and Research In Motion*
25 *Corporation*
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