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16 Attorneys for Plaintiff
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 Wyoming corporation

19 **UNITED STATES DISTRICT COURT**
 20 **NORTHERN DISTRICT OF CALIFORNIA**

21 ROCKY MOUNTAIN BANK, a
 Wyoming corporation,
 22
 Plaintiff,
 23
 v.
 24 GOOGLE INC., a Delaware
 25 corporation,
 26 Defendant.

Case No. 5:09-CV-04385 JW

**STIPULATED MOTION TO
 VACATE HEARING ON
 PLAINTIFF'S MOTION FOR
 PRELIMINARY INJUNCTION AND
 TO VACATE TEMPORARY
 RESTRAINING ORDER**

1 Plaintiff Rocky Mountain Bank (the “Bank”), by and through its undersigned
2 counsel, and Defendant Google Inc. (“Google”), by and through its undersigned
3 counsel, hereby notify the Court that the dispute is resolved, and Plaintiff intends to
4 promptly move to have its Complaint dismissed with prejudice.
5

6 The Bank and Google further submit the following Stipulated Motion to
7 Vacate Hearing on Preliminary Injunction (the “Hearing”) and Temporary
8 Restraining Order and in support thereof, hereby stipulate and agree as follows:
9

10 (1) On September 24, 2009, Google lodged a Report with the Court in
11 response to, and in compliance with, the Court’s September 23, 2009 Order
12 Granting Temporary Restraining Order (the “TRO”).
13

14 (2) In light of the Report the parties are in agreement that the relief
15 requested in connection with the Bank’s motion for preliminary injunction is now
16 moot and the Hearing may be vacated. In light of Google’s compliance with the
17 TRO, the parties also agree that the TRO should be vacated, allowing the Gmail
18 Account to be reactivated to allow the user access to the account.
19
20

21 WHEREFORE, the parties request that the Court vacate the Hearing
22 currently scheduled for September 28, 2009 at 9:00 a.m. and vacate the TRO.
23

24 In the alternative, and only in the event that the Court does not enter an Order
25 Granting Stipulated Motion To Vacate Hearing On Plaintiff’s Motion For
26 Preliminary Injunction And To Vacate Temporary Restraining Order, the parties
27 stipulate and hereby request that the Court continue the September 28, 2009 hearing
28

1 on Plaintiff's Motion For Preliminary Injunction to October 1, 2009, or such later
2 date that is convenient for the Court, and permit the parties to fully brief the matter.
3

4 Respectfully submitted this 25th day of September, 2009.

5 **PERKINS COIE LLP**

KUTAK ROCK LLP

6
7 By: /s/ Troy P. Sauro

By: /s/ Neil L. Arney

8 Troy P. Sauro
9 ATTORNEYS FOR DEFENDANT
GOOGLE INC.

Neil L. Arney
ATTORNEYS FOR PLAINTIFF
ROCKY MOUNTAIN BANK