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17 ROCKY MOUNTAIN BANK, a
Wyoming corporation
18

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 submit the following Stipulated Motion to Vacate Hearing on
4 Preliminary Injunction (the “Hearing”) and Temporary Restraining Order and in
5 support thereof, hereby stipulate and agree as follows:
6

7
8 (1) On September 24, 2009, Google lodged a Report with the Court in
9 response to, and in compliance with, the Court’s September 23, 2009 Order
10 Granting Temporary Restraining Order (the “TRO”).
11

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

18 WHEREFORE, the parties request that the Court vacate the Hearing
19 currently scheduled for September 28, 2009 at 9:00 a.m. and vacate the TRO.
20 Should the Court not enter the Order Granting Stipulated Motion To Vacate
21 Hearing On Plaintiff’s Motion For Preliminary Injunction And To Vacate
22 Temporary Restraining Order, the parties stipulate and hereby request that the
23 Court continue the September 28, 2009 hearing on Plaintiff’s Motion For
24 Preliminary Injunction to October 1, 2009, or such later date that is convenient for
25
26
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1 the Court, and permit the parties to fully brief the matter.

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

3 **PERKINS COIE LLP**

KUTAK ROCK LLP

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6 By: /s/ Troy P. Sauro

By: /s/ Grace Y. Horoupian

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

Grace Y. Horoupian
ATTORNEYS FOR PLAINTIFF
ROCKY MOUNTAIN BANK

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