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21 UNITED STATES DISTRICT COURT  
 22 NORTHERN DISTRICT OF CALIFORNIA  
 23 OAKLAND DIVISION

23 ORACLE USA, INC., et al.,

24 Plaintiffs,

25 v.

26 SAP AG, et al.,

27 Defendants.

Case No. 07-CV-1658 PJH (EDL)

**STIPULATION AND [PROPOSED]  
 ORDER TO TEMPORARILY STAY  
 EXECUTION OF JUDGMENT**

1 SAP AG, SAP America, Inc., and TomorrowNow, Inc. (“Defendants”) and Oracle USA,  
2 Inc., Oracle International Corporation, and Siebel Systems, Inc. (“Plaintiffs,” and together with  
3 Defendants, the “Parties”) jointly submit this Stipulation and [Proposed] Order to temporarily  
4 stay execution of judgment.

5 WHEREAS, the parties filed a joint, proposed form of judgment in the above-captioned  
6 matter on February 1, 2011;

7 WHEREAS, Rule 62(a) of the Federal Rules of Civil Procedure provides that “no  
8 execution may issue on a judgment, nor may proceedings be taken to enforce it, until 14 days  
9 have passed after its entry,” Fed. R. Civ. P. 62(a); and,

10 WHEREAS, the Parties may require more than 14 days to negotiate an appropriate  
11 security for the judgment.

12 NOW, THEREFORE, IT IS HEREBY STIPULATED by the Parties, through their  
13 respective counsel of record, that no execution may issue on the judgment, nor may proceedings  
14 be taken to enforce it, until 21 days have passed after its entry.

15 **IT IS SO STIPULATED.**

16 Dated: February 2, 2011

JONES DAY

17 By: /s/ Tharan Gregory Lanier

18 Tharan Gregory Lanier

19 Counsel for Defendants  
20 SAP AG, SAP AMERICA, INC., and  
TOMORROWNOW, INC.

21 In accordance with General Order No. 45, Rule X, the above signatory attests that  
22 concurrence in the filing of this document has been obtained from the signatory below.

23 Dated: February 2, 2011

Bingham McCutchen LLP

24 By: /s/ Geoffrey M. Howard

25 Geoffrey M. Howard

Attorneys for Plaintiffs

26 ORACLE USA, INC., ORACLE  
27 INTERNATIONAL CORPORATION, and  
28 SIEBEL SYSTEMS, INC.

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**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

DATED: \_\_\_\_\_

By: \_\_\_\_\_  
Hon. Phyllis J. Hamilton  
United States District Court Judge