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21 UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 22 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)

**STIPULATED REQUEST AND
 [PROPOSED] ORDER TO EXTEND
 BRIEFING SCHEDULE AND EXPAND
 PAGE LIMITS FOR POST-JUDGMENT
 BRIEFS**

1 Pursuant to Civil Local Rules 6-2 and 7-4, SAP AG, SAP America, Inc., and
2 TomorrowNow, Inc. (“Defendants”) and Oracle USA, Inc., Oracle International Corporation, and
3 Siebel Systems, Inc. (“Plaintiffs,” and together with Defendants, the “Parties”) jointly submit this
4 stipulated request to extend the briefing schedule and expand the page limits for post-judgment
5 briefs filed pursuant to Rule 50(b) and Rule 59 of the Federal Rules of Civil Procedure (“Rule
6 50(b)” and “Rule 59” respectively).

7 According to Civil Local Rule 7-2, “all motions must be filed, served and noticed in
8 writing . . . for hearing not less than 35 days after service of the motion.” Civ. L.R. 7-2. The rule
9 also requires that “[a]ny opposition to a motion must be served and filed not less than 21 days
10 before the hearing date” and that “[a]ny reply to an opposition must be served and filed by the
11 moving party not less than 14 days before the hearing date.” *Id.* Nevertheless, the Commentary
12 to Civil Local Rule 7-2 advises that, “[f]or complex motions, parties are encouraged to stipulate
13 to or seek a Court order establishing a longer notice period with correspondingly longer periods
14 for response or reply.” *Id.*

15 With respect to page limits, Civil Local Rule 7-2 and Civil Local Rule 7-4 dictate that,
16 absent a Court order expressly permitting otherwise, neither motions nor opposition briefs may
17 exceed 25 pages of text, and reply briefs may not exceed 15 pages of text. *Id.*; Civ. L.R. 7-4
18 (“Unless the Court expressly orders otherwise pursuant to a party’s request made prior to the due
19 date, briefs or memoranda filed with opposition papers may not exceed 25 pages of text and the
20 reply brief or memorandum may not exceed 15 pages of text.”).

21 Both sides anticipate filing post-judgment briefs. Defendants plan to move pursuant to
22 Rule 50(b) and Rule 59, while Plaintiffs plan to move conditionally pursuant to Rule 59. The
23 Parties have agreed amongst themselves, subject to the Court’s approval, to (1) file their opening
24 briefs on February 23 (a week before the March 3 deadline), (2) have five weeks to file
25 opposition briefs, and (3) have two weeks to reply.

26 Given the complexity of the issues to be addressed in these motions and the Parties’
27 agreement on the proposed schedule, the Parties request that the Court set the post-judgment
28 briefing schedule as follows:

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February 23 Deadline to file Opening Briefs

March 30 Deadline to file Opposition Briefs

April 13 Deadline to file Reply Briefs

April 27 Hearing

The Parties further agreed and so request that the Court (1) allow Defendants 50 pages total for their opening brief or briefs (covering all motions), as well as 25 pages for a compendium of record citations, which includes either direct quotes/cites from the record and/or non-argumentative, neutral, and accurate descriptions of specific testimony; (2) allow Plaintiffs 50 pages total for their opposition brief or briefs, as well as 25 pages for any non-argumentative compendium of record citations or similar supporting declaration; and (3) allow Defendants 30 pages total for their reply brief or briefs. The proposed compendia will take the form of attorney declarations, and the 25-page limit on those documents shall not include any attached exhibits. The Parties do not seek to expand the page limits for briefs relating to Plaintiffs' conditional Rule 59 motion, and therefore, in addition to any supporting papers, they shall file opening and opposition briefs of no more than 25 pages and a reply brief of up to 15 pages. The only purpose of this request is to extend the deadlines and page limits as noted above, and thus, this request shall not in any way affect any other rights or obligations of the Parties.

IT IS SO STIPULATED.

Dated: February 18, 2011

JONES DAY

By: /s/ Tharan Gregory Lanier
Tharan Gregory Lanier

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

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

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Dated: February 18, 2011

Bingham McCutchen LLP

By: /s/ Geoffrey M. Howard
Geoffrey M. Howard

Counsel for Plaintiffs
Oracle USA, Inc., Oracle International
Corporation, and Siebel Systems, Inc.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____

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