

1 BINGHAM McCUTCHEM LLP  
 DONN P. PICKETT (SBN 72257)  
 2 GEOFFREY M. HOWARD (SBN 157468)  
 HOLLY A. HOUSE (SBN 136045)  
 3 ZACHARY J. ALINDER (SBN 209009)  
 BREE HANN (SBN 215695)  
 4 Three Embarcadero Center  
 San Francisco, CA 94111-4067  
 Telephone: (415) 393-2000  
 5 Facsimile: (415) 393-2286  
 donn.pickett@bingham.com  
 6 geoff.howard@bingham.com  
 holly.house@bingham.com  
 7 zachary.alinder@bingham.com  
 bree.hann@bingham.com

8 BOIES, SCHILLER & FLEXNER LLP  
 DAVID BOIES (Admitted *Pro Hac Vice*)  
 9 333 Main Street  
 Armonk, NY 10504  
 Telephone: (914) 749-8200  
 10 Facsimile: (914) 749-8300  
 dboies@bsflp.com  
 11 STEVEN C. HOLTZMAN (SBN 144177)  
 FRED NORTON (SBN 224725)  
 12 1999 Harrison St., Suite 900  
 Oakland, CA 94612  
 Telephone: (510) 874-1000  
 13 Facsimile: (510) 874-1460  
 sholtzman@bsflp.com  
 14 fnorton@bsflp.com

15 DORIAN DALEY (SBN 129049)  
 JENNIFER GLOSS (SBN 154227)  
 16 500 Oracle Parkway, M/S 5op7  
 Redwood City, CA 94070  
 Telephone: (650) 506-4846  
 17 Facsimile: (650) 506-7114  
 dorian.daley@oracle.com  
 18 jennifer.gloss@oracle.com

19 Attorneys for Plaintiffs Oracle USA, Inc., *et al.*

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

23 ORACLE USA, INC., *et al.*,  
 Plaintiffs,  
 24 v.  
 25 SAP AG, *et al.*,  
 26 Defendants.

No. 07-CV-01658 PJH (EDL)

**DECLARATION OF ZACHARY J.  
 ALINDER IN SUPPORT OF  
 STIPULATED REQUEST AND  
 [PROPOSED] ORDER TO EXTEND  
 BRIEFING SCHEDULE**

Date: July 13, 2011  
 Time: 9:00 a.m.  
 Place: Courtroom 3  
 Judge: Hon. Phyllis J. Hamilton

Case No. 07-CV-01658 PJH (EDL)

ALINDER DECL. IN SUPPORT OF STIPULATED REQUEST AND  
 [PROPOSED] ORDER TO EXTEND BRIEFING SCHEDULE

1 I, Zachary J. Alinder, declare as follows:

2 1. I am an attorney licensed to practice law in the State of California and am  
3 a partner at Bingham McCutchen LLP, counsel of record for plaintiffs Oracle USA, Inc., Oracle  
4 International Corporation, and Siebel Systems, Inc. (collectively, "Oracle"). I have personal  
5 knowledge of the facts stated within this Declaration and could testify competently to them if  
6 required.

7 2. On February 18, 2011, the Parties filed a Stipulated Request to Extend the  
8 Briefing Schedule on the Parties' planned post-judgment motions pursuant to Rules 50 and 59 of  
9 the Federal Rules of Evidence (the "Post-Trial Motions"), Dkt. No. 1041. On February 23, 2011,  
10 the Court set a briefing and hearing schedule for the Post-Trial Motions. *See* February 23, 2011  
11 Order, Dkt. No. 1043. Consistent with the Court's Order, on February 23, 2011, the Parties filed  
12 their Post-Trial Motions. *See* Post-Trial Motions, Dkt. Nos. 1044-47.

13 3. The Commentary to Civil Local Rule 7-2 advises that, "[f]or complex  
14 motions, parties are encouraged to stipulate to or seek a Court order establishing a longer notice  
15 period with correspondingly longer periods for response or reply." Civ. L. R. 7-2.

16 4. After further meet and confer, the Parties have agreed amongst  
17 themselves, subject to the Court's approval, to request a minor additional extension of time for  
18 the Opposition Briefs and Reply Briefs. In light of the advisory Commentary to Civil Local Rule  
19 7-2, and given the complexity of the issues to be addressed in these motions and the Parties'  
20 agreement on the proposed schedule, the Parties have requested in their concurrently filed  
21 Stipulated Request and [Proposed] Order to Extend Briefing Schedule ("Stipulated Request")  
22 that the Court modify the post-judgment briefing schedule as follows:

23  
24 April 8 Deadline to file Opposition Briefs  
25 April 27 Deadline to file Reply Briefs  
26 July 13 Hearing

27 5. As the current hearing date set by the Court is July 13, 2011, the Parties do  
28 not believe that the requested additional extension of time, which still provides the Court

1 approximately 2.5 months to consider the Parties' briefing, will impact the hearing date or the  
2 Court's consideration of the Post-Trial Motions.

3 6. The Parties have jointly and separately requested and received unrelated  
4 pre-trial time modifications in this matter.

5 7. In addition to the stipulated request discussed in Paragraph 2 above and as  
6 reflected at Dkt. No. 1041, the Parties have also jointly requested and received unrelated post-  
7 trial time modifications in this matter, including Stipulations and [Proposed] Orders to  
8 Temporarily Stay Execution of the Judgment, including concurrently with this Stipulated  
9 Request, and at Dkt. Nos. 1035 and 1039.

10 8. Other than as described above, the concurrently filed Stipulated Request  
11 would have no other effect on the current case schedule. Further, the request neither affects any  
12 other rights or obligations of the Parties, nor impacts the briefing page limits or briefing  
13 description set forth in the Parties' February 18, 2011 Stipulated Request, Dkt. No. 1041, and as  
14 ordered in the Court's February 23, 2011 Order, Dkt. No. 1043

15  
16 I declare under penalty of perjury under the laws of the United States that the  
17 foregoing facts are true and correct, and that this Declaration was executed on March 9, 2011, in  
18 San Francisco, CA.

19 /s/ Zachary J. Alinder  
20 Zachary J. Alinder