

1 BINGHAM MCCUTCHEN 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  
 5 Telephone: 415.393.2000  
 Facsimile: 415.393.2286  
 6 donn.pickett@bingham.com  
 geoff.howard@bingham.com  
 7 holly.house@bingham.com  
 zachary.alinder@bingham.com  
 8 bree.hann@bingham.com

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

16 DORIAN DALEY (SBN 129049)  
 17 JENNIFER GLOSS (SBN 154227)  
 500 Oracle Parkway, M/S 5op7  
 18 Redwood City, CA 94070  
 Telephone: 650.506.4846  
 19 Facsimile: 650.506.7144  
 dorian.daley@oracle.com  
 20 jennifer.gloss@oracle.com

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

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

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

No. 07-CV-01658 PJH (EDL)

**[PROPOSED] ORDER DENYING SAP'S  
 MOTION FOR STAY OF JUDGMENT  
 THROUGH APPEAL AND APPROVAL  
 OF SECURITY PURSUANT TO FRCP 62  
 AND ORDERING BOND TO STAY  
 JUDGMENT PURSUANT TO FRCP 62**

No. 07-CV-01658 PJH (EDL)

1 Before the Court is the Motion for Stay of Judgment Through Appeal and Approval of  
2 Security Pursuant to FRCP 62 (the “Motion”) filed by Defendants SAP AG, SAP America, Inc.  
3 and TomorrowNow, Inc. (collectively, “SAP”) and opposed by Plaintiffs Oracle USA, Inc.,  
4 Oracle International Corporation and Siebel Systems, Inc. (collectively, “Oracle,” and together  
5 with SAP, the “Parties”). After considering the pleadings, memoranda, and supporting papers  
6 submitted by the Parties, and having heard the arguments of counsel, **IT IS HEREBY**  
7 **ORDERED** that SAP’s Motion is **DENIED**.

8 Instead, as contemplated under Fed. R. Civ. Proc. 62, if SAP desires to stay execution of  
9 the judgment through appeal, SAP shall file, within 14 days, a certification that (1) it has  
10 obtained a supersedeas bond to secure the judgment in the agreed initial amount of  
11 \$1,325,033,547.00, (2) the bonding company has agreed to provide a quarterly report to the  
12 Parties for the duration that the bond is in place to secure the judgment, and, (3) the bonding  
13 company and SAP will increase the bond amount as needed to cover post-judgment interest  
14 accrued in the future for the duration that the bond is in place to secure the judgment. If SAP has  
15 not secured this bond and filed the certification within 14 days, Oracle shall be entitled to  
16 execute on the judgment immediately.

17  
18 **IT IS SO ORDERED.**

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20  
21 Dated: \_\_\_\_\_

22 \_\_\_\_\_  
23 PHYLLIS J. HAMILTON  
24 United States District Court Judge  
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