

1 MELINDA HAAG (CABN 132612)
 United States Attorney
 2
 3 MIRANDA KANE (CABN 150630)
 Chief, Criminal Division
 4 KYLE F. WALDINGER (ILBN 6238304)
 SUSAN F. KNIGHT (CABN 209013)
 5 Assistant United States Attorneys

6 450 Golden Gate Avenue, 11th Floor
 San Francisco, California 94102
 7 Telephone: (415) 436-6830/(408) 535-5056
 Facsimile: (415) 436-7234
 8 E-mail: kyle.waldinger@usdoj.gov
 susan.knight@usdoj.gov
 9

Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12 OAKLAND DIVISION
 13

14 ORACLE USA, INC., et al.)
 15 Plaintiffs,)
 16 v.)
 17 SAP AG, et al.,)
 18 Defendants.)

No. 07-CV-1658 PJH
 [Filed Mar. 22, 2007]

19 UNITED STATES OF AMERICA,)
 20 Plaintiff,)
 21 v.)
 22 TOMORROWNOW, INC.,)
 23 Defendant.)

No. 11-CR-0642 SBA
 [Filed Sept. 8, 2011]
**NOTICE OF RELATED CASE
 IN A CRIMINAL ACTION**

24 Oakland Venue

25 The United States of America, pursuant to Local Criminal Rule 8-1, hereby notifies the
 26 Court that the two above-captioned cases are related. The defendant in the criminal Information
 27 filed on September 8, 2011 — TomorrowNow, Inc. — is one of the defendants in case 07-CV-
 28 1658 PJH. In addition, both actions involve many of the same alleged events and occurrences.

NOTICE OF RELATED CASE
 U.S. v. TOMORROWNOW

1 Based upon these facts, the cases are related within the meaning of Local Criminal Rule 8-1(b)(1)
2 because they “concern one or more of the same defendants and the same alleged events,
3 occurrences, transactions or property.” Furthermore, the cases are related within the meaning of
4 Local Criminal Rule 8-1(b)(2) because if heard by separate judges they likely would involve
5 substantial duplication of labor by the two judges.

6 Per the requirement of Local Criminal Rule 8-1(c)(4), both government counsel named
7 below state that assignment of these cases to a single judge is likely to conserve judicial
8 resources and promote an efficient determination of each action.

9 If the Court determines that the criminal case (11-CR-0642 SBA) should be related to
10 07-CV-1658 PJH, the United States requests that an Order be issued pursuant to Local Criminal
11 Rule 8-1(e) relating the Information charging TomorrowNow, Inc. (11-CR-0642 SBA), to 07-
12 CV-1658 PJH, which is the lowest-numbered case.

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DATE: 9/8/11

Respectfully Submitted,

MELINDA HAAG
United States Attorney


KYLE F. WALDINGER
SUSAN F. KNIGHT
Assistant United States Attorneys