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

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

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

**RESPONSE AND NON-OPPOSITION
 TO NOTICE OF RELATED CASE IN
 A CRIMINAL ACTION**

1 Pursuant to Criminal Local Rule 8-1(b) and (d), Defendant TomorrowNow, Inc.
2 (“TomorrowNow”) files this Response to the United States of America’s Notice of Related Case
3 in a Criminal Action. TomorrowNow supports the government’s request that the criminal case
4 against TomorrowNow (11-CR-0642 SBA) be related to 07-CV-1658 PJH, because both actions
5 (1) concern TomorrowNow and many of the same alleged events or occurrences and (2) appear
6 likely to entail substantial duplication of labor if heard by different Judges. TomorrowNow
7 therefore joins the government’s request that the cases be related.

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10 Dated: September 9, 2011

JONES DAY

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12 By: /s/ Tharan Gregory Lanier
13 Tharan Gregory Lanier

14 Counsel for Defendants
15 SAP AG, SAP AMERICA, INC., and
16 TOMORROWNOW, INC.
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