1	BINGHAM McCUTCHEN LLP DONN P. PICKETT (SBN 72257)	
2	GEOFFREY M. HOWARD (SBN 157468)	
3	HOLLY A. HOUSE (SBN 136045) 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 bree.hann@bingham.com	
8	BOIES, SCHILLER & FLEXNER LLP	
9	DAVID BOIES (Admitted <i>Pro Hac Vice</i>) 333 Main Street	
10	Armonk, NY 10504 Telephone: (914) 749-8200	
11	Facsimile: (914) 749-8300 dboies@bsfllp.com STEVEN C. HOLTZMAN (SBN 144177)	
12	FRED NORTON (SBN 224725) 1999 Harrison St., Suite 900	
13	Oakland, CA 94612 Telephone: (510) 874-1000	
14	Facsimile: (510) 874-1460 sholtzman@bsfllp.com fnorton@bsfllp.com	
15	DORIAN DALEY (SBN 129049)	
16	JENNIFER GLOSS (SBN 154227) 500 Oracle Parkway, M/S 50p7 Redwood City, CA 94070	
17	Telephone: (650) 506-4846 Facsimile: (650) 506-7114	
18	dorian.daley@oracle.com jennifer.gloss@oracle.com	
19	Attorneys for Plaintiffs Oracle USA, Inc., et al.	
20	UNITED STATES DI	
21	NORTHERN DISTRICT OAKLAND D	
22	ORACLE USA, INC., et al.,	No. 07-CV-01658 PJH (EDL)
23	Plaintiffs,	DECLARATION OF GEOFFREY M. HOWARD IN SUPPORT OF
24	v. SAP AG, et al,	STIPULATED REQUEST FOR ORDER SHORTENING TIME RE ORACLE'S MOTION FOR STAY
25	Defendants.	ORACLE S WOTTON FURSTAT
26	Dolondanto.	
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1	I, Geoffrey M. Howard, 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. and
4	Oracle International Corporation. I have personal knowledge of the facts stated within this
5	Declaration and could testify competently to them if required.
6	2. On September 1, 2011, the Court issued its Order Granting Defendants'
7	Motion for JMOL, and Motion for New Trial; Order Denying Plaintiffs' Motion for New Trial;
8	Order Partially Vacating Judgment (the "Post-Trial Order") (Docket No. 1081). The Post-Trial
9	Order requires Oracle to submit a statement accepting or rejecting the remittitur no later than
10	September 30, 2011. Post-Trial Order at 20.
11	3. On September 12, 2011, Plaintiff Oracle International Corporation filed a
12	motion to certify the Post-Trial Order for interlocutory appeal under 28 U.S.C. § 1292(b) (the
13	"Certification Motion"). On September 13, 2011, Oracle USA, Inc. and Oracle International
14	Corporation ("Oracle") filed a motion to stay all other case activities and the deadline to accept
15	or reject the remittitur while the certification motion and any resulting appellate proceedings are
16	pending (the "Stay Motion"). Pursuant to the Court's Calendar Schedule Notes, Oracle noticed
17	both motions for the Court's first available hearing date for cases with docket numbers ending in
18	even digits, January 11, 2012.
19	4. Because Oracle must accept or reject the remittitur by September 30, 2011
20	but its stay motion cannot be heard on normal time until January 2012, Oracle's deadline to
21	accept or reject the remittitur will pass before the stay motion is heard. Oracle also anticipates
22	that, absent a stay, additional pretrial or other deadlines may be set or even pass before that time.
23	Since Oracle is seeking a stay of the deadline to accept or reject the remittitur and other pretrial
24	deadlines, effective relief cannot be granted unless the stay motion is heard before those
25	deadlines pass. Oracle therefore requests that the Stay Motion be heard on shortened time,
26	before the deadline to accept or reject the remittitur expires.
27	5. On September 12, 2011, I emailed Tharan Gregory Lanier, counsel for
28	Defendants SAP AG, SAP America, Inc. and TomorrowNow, Inc. to inquire whether Defendants

1	would stipulate to request an order shortening time. Mr. Lanier responded that Defendants	
2	intend to oppose Oracle's Stay Motion and Certification Motion, but that Defendants will	
3	stipulate that the Stay Motion be heard on shortened time.	
4	6. The Parties have jointly and separately requested and received unrelated	
5	pre-trial and post-trial time modifications in this case. Since the entry of Judgment on February	
6	3, 2011 (Docket No. 1036), the Court has ordered and extended a temporary stay of execution of	
7	judgment (Docket Nos., 1038, 1040, 1050 and 1069) and has approved an extended briefing	
8	schedule for post-judgment briefs (Docket Nos. 1043 and 1050). See Civil Local Rule 6-2(a)(2).	
9	7. The requested order shortening time will, if granted, cause the Stay	
10	Motion to be heard and decided in September 2011 instead of January 2012. The requested	
11	order shortening time will have no other effect on the current case schedule. See Civil Local	
12	Rule 6-2(a)(3).	
13	I declare under penalty of perjury under the laws of the United States that the	
14	foregoing facts are true and correct, and that this Declaration was executed on September 13,	
15	2011, in San Francisco, CA.	
16	/s/ Geoffrey M. Howard Geoffrey M. Howard	
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