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

23 ORACLE USA, INC., et al.,

24 Plaintiffs,

25 v.

26 SAP AG, et al.,

27 Defendants.

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

**STIPULATED REQUEST AND
[PROPOSED] ORDER THAT
DEFENDANTS MAY RELEASE THE
SUPERSEDEAS BOND**

Date: N/A
Time: N/A
Courtroom: 3, 3rd Floor
Judge: Hon. Phyllis J. Hamilton

1 **STIPULATED REQUEST TO RELEASE DEFENDANTS' SUPERSEDEAS BOND**

2 Defendants SAP AG, SAP America, Inc., and TomorrowNow, Inc. (“Defendants”) submit
3 this Stipulated Request and [Proposed] Order that Defendants may release the supersedeas bond
4 previously approved by Court Order at ECF No. 1077.

5 WHEREAS, on June 22, 2011 this Court entered an order approving a supersedeas bond
6 in the amount of \$1,325,033,547.00 as appropriate security to stay execution of the final
7 judgment entered on February 3, 2011 (ECF No. 1036), pending disposition of post-judgment
8 motions and, if necessary, appeal. *See* ECF No. 1077.

9 WHEREAS, on September 1, 2011 this Court granted Defendants’ motions for judgment
10 as a matter of law and motion for a new trial, and vacated “that portion of the February 3, 2011
11 judgment awarding \$1.3 billion for hypothetical license damages.” *See* ECF No. 1081 at 20.

12 WHEREAS, as a result of the Court’s September 1, 2011 order, there is no final judgment
13 upon which Oracle can execute.

14 WHEREAS, Plaintiffs Oracle USA, Inc., Oracle International Corporation, and Siebel
15 Systems, Inc. (“Oracle,” and together with Defendants, the “Parties”) stipulate to this request.

16 NOW, THEREFORE, IT IS HEREBY STIPULATED by the Parties, through their
17 respective counsel of record, that Defendants may release the supersedeas bond previously
18 approved by Court Order at ECF No. 1077.

19 **IT IS SO STIPULATED.**

20
21 Dated: October 5, 2011

JONES DAY

22 By: /s/ Tharan Gregory Lanier
23 Tharan Gregory Lanier

24 Counsel for Defendants
25 SAP AG, SAP AMERICA, INC., and
TOMORROWNOW, INC.

26 In accordance with General Order No. 45, Rule X, the above signatory attests that
27 concurrence in the filing of this document has been obtained from the signatory below.
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Dated: October 5, 2011

BINGHAM McCUTCHEN LLP

By: /s/ Geoffrey M. Howard
Geoffrey M. Howard

Attorneys for Plaintiffs
ORACLE USA, INC., ORACLE
INTERNATIONAL CORPORATION, and
SIEBEL SYSTEMS, INC.

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: _____

By: _____

Hon. Phyllis J. Hamilton
United States District Court Judge