

## B O I E S , S C H I L L E R &amp; F L E X N E R L L P

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March 23, 2012

***Via Electronic Delivery***

The Honorable Phyllis J. Hamilton  
United States District Court  
Northern District of California  
1301 Clay Street, South Tower  
Oakland, CA 94612-5212

**RE: Oracle USA, Inc., et al. V. SAP AG, et al., Case No. 07-CV-1658**

Your Honor:

We write to provide the Court a further scheduling update. As noted in the parties' submission dated February 24, 2012 (Dkt. 1109), Oracle was awaiting a determination from Judge Alsup as to when trial in *Oracle America, Inc. v. Google Inc.* (No. C 10-03561 WHA) would be scheduled. On March 13, 2012, Judge Alsup set the *Oracle/Google* case for trial beginning on April 16, 2012, with the trial lasting for up to eight weeks (i.e., until June 8, 2012). See Case C 10-03561 WHA, Dkt. 786. On March 20, 2012, Judge Alsup denied Google counsel's motion for a continuance. *Id.*, Dkt. 820.

This development removes one potential direct conflict between the *Oracle/Google* trial and the June 18, 2012 trial date in this case. In addition, it removes Judge Alsup's previous request that counsel in the *Oracle/Google* litigation keep their calendars clear during September through December 2012. However, some conflict remains in that Mr. Boies, Mr. Holtzman, Mr. Norton, and Mr. Richardson, all of whom are key members of the trial teams in both cases, will be in the *Oracle/Google* trial until shortly before trial of this matter is to commence. In addition, Mr. Boies continues to have conflicts in the *DuPont* (June 4) and *Rincon* (June 25) trials.

Oracle respectfully requests that the Court take these facts into account in making decisions related to the trial schedule.

Sincerely yours,

/s/  
Steven C. Holtzman  
Counsel for Plaintiffs

cc: Tharan G. Lanier, Esq.  
Jane Froyd, Esq.