

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

1999 HARRISON STREET\* SUITE 900\* OAKLAND, CA 94612\* 510-874-1000 FAX 510-874-1460

April 4, 2012

*Via Electronic Case Filing System*

The Honorable Phyllis J. Hamilton  
United States District Court  
Northern District of California  
1301 Clay Street, South Tower  
3<sup>rd</sup> Floor  
Oakland, CA 94612-5212

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

Your Honor:

We write with a further update regarding the trial schedule in *Rincon EV Realty LLC, et al. v. CP III Rincon Towers, Inc., et al.*, SFSC Case No. CGC-10-496887 (“*Rincon*”). As previously noted in our updates of March 4 (Dkt. 1113) and March 23, 2012 (Dkt. 1117), Oracle’s lead trial counsel in this case, David Boies, is also lead trial counsel in *Rincon*. The *Rincon* trial is set to begin on June 25, 2012.

Last month, our colleagues informed the *Rincon* Court about the June 18, 2012 trial date set in the above-captioned case (Dkt. 1110). At a case management conference last week, the *Rincon* Court stated that the *Rincon* trial will remain scheduled to begin on June 25. **Exhibit A**, at 16:10-14, 17:6-18. The *Rincon* Court stated that it might revisit the June 25 date if this Court indicates that it will not change the trial date in the above-captioned case. *Id.* Opposing counsel in *Rincon* stated that they would “vigorously oppose” any date other than June 25, and noted that the *Rincon* trial has been “scheduled many times.” *Id.*, at 17:3-5.

As a result, Mr. Boies continues to have a conflict with the *Rincon* trial, in addition to a conflict with the *DuPoint* trial (set to begin June 4).

Oracle respectfully requests that this Court take these developments into consideration when making decisions regarding the trial schedule.

Sincerely yours,

/s/  
Steven C. Holtzman  
Counsel for Plaintiffs

Enc.

cc: Tharan G. Lanier, Esq. (via ECF)  
Jane Froyd, Esq. (via ECF)