

1 BINGHAM MCCUTCHEN LLP  
 DONN P. PICKETT (SBN 72257)  
 2 GEOFFREY M. HOWARD (SBN 157468)  
 BREE HANN (SBN 215695)  
 3 Three Embarcadero Center  
 San Francisco, CA 94111-4067  
 4 Telephone: 415.393.2000  
 Facsimile: 415.393.2286  
 5 donn.pickett@bingham.com  
 geoff.howard@bingham.com  
 6 bree.hann@bingham.com

7 BOIES, SCHILLER & FLEXNER LLP  
 DAVID BOIES (Admitted Pro Hac Vice)  
 8 333 Main Street  
 Armonk, NY 10504  
 Telephone: (914) 749-8200  
 9 Facsimile: (914) 749-8300  
 dboies@bsfllp.com

10 STEVEN C. HOLTZMAN (SBN 144177)  
 FRED NORTON (SBN 224725)  
 11 1999 Harrison St., Suite 900  
 Oakland, CA 94612  
 Telephone: (510) 874-1000  
 12 Facsimile: (510) 874-1460  
 13 sholtzman@bsfllp.com  
 fnorton@bsfllp.com

14 DORIAN DALEY (SBN 129049)  
 15 JENNIFER GLOSS (SBN 154227)  
 500 Oracle Parkway, M/S 5op7  
 16 Redwood City, CA 94070  
 Telephone: 650.506.4846  
 17 Facsimile: 650.506.7144  
 dorian.daley@oracle.com  
 18 jennifer.gloss@oracle.com

19 Attorneys for Plaintiff Oracle International Corp.

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

22 ORACLE USA, INC., *et al.*,

23 Plaintiffs,

24 v.

25 SAP AG, *et al.*,

26 Defendants.

No. 07-CV-01658 PJH (EDL)

**[PROPOSED] ORDER GRANTING  
 ORACLE’S MOTION FOR LEAVE TO  
 FILE MOTION FOR RECONSIDERATION  
 REGARDING SAVED DEVELOPMENT  
 COSTS**

1 Before the Court is Oracle's Motion for Leave to File a Motion for  
2 Reconsideration Regarding Saved Development Costs (the "Motion") filed by Plaintiffs Oracle  
3 International Corporation ("Oracle"). After considering the pleadings, memoranda, and  
4 supporting papers submitted by the Parties, and having heard the arguments of counsel, **IT IS**  
5 **HEREBY ORDERED** that Oracle's Motion is **GRANTED**.

6 At the retrial, Oracle will be allowed to submit evidence of SAP's saved  
7 development costs in support of the hypothetical license valuation.

8 **IT IS SO ORDERED.**

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10 DATED: \_\_\_\_\_, 2012

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11 Hon. Phyllis J. Hamilton  
12 United States District Court Judge  
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