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19 Attorneys for Plaintiffs Oracle USA, Inc., et al.

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)

**STIPULATION AND [PROPOSED]
 ORDER TO EXTEND TIME TO
 COMPLY WITH PORTIONS OF
 PRETRIAL ORDER REGARDING
 SUBMISSION OF TRIAL EXHIBITS
 AND COUNTER DEPOSITION
 DESIGNATIONS**

1 Pursuant to Civil Local Rule 6-3, Plaintiff Oracle International Corporation (“Oracle”)
2 and Defendants SAP AG, SAP America, Inc., (“SAP”) and TomorrowNow, Inc. (“TN” and
3 together with Plaintiffs, the “Parties”), hereby submit this agreed-upon stipulation to extend time
4 for the Parties to comply with the Court’s February 28, 2012 Pretrial Order re Retrial (“February
5 28, 2012 Order”) to: (1) submit pre-marked trial exhibits to the Clerk’s Office, and (2) to serve
6 and file counter, and counter-counter deposition designations.

7 WHEREAS, the February 28, 2012 Order sets May 24, 2012 as the date of the pretrial
8 conference;

9 WHEREAS, the February 28, 2012 Order sets April 26, 2012 (28 days prior to the pretrial
10 conference) as the deadline for the parties to submit pre-marked exhibits to the Clerk’s Office;

11 WHEREAS, the Parties believe the Court would prefer, in accordance with its preferences
12 in the last trial, the Parties not submit paper copies of every exhibit on the Parties’ respective
13 exhibit lists in advance of the pretrial conference;

14 WHEREAS, the February 28, 2012 Order sets May 10, 2012 (14 days prior to the pretrial
15 conference) as the deadline for the parties to serve and file counter deposition designations;

16 WHEREAS, the Parties believe that an extension of time is necessary to allow the Parties
17 adequate time to process the deposition excerpts of witnesses who will not testify in person at
18 trial (deposition designations) disclosed on April 26, 2012 in accordance with the Court’s
19 February 28, 2012 Order.

20 WHEREAS, the Court’s Orders currently do not provide for the exchange of counter-
21 counter deposition designations; and

22 WHEREAS, the Parties believe the exchange of counter-counter designations will
23 facilitate a more efficient process at trial.

24 NOW, THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE, through
25 their respective counsel of record, as follows:

26 The Parties hereby jointly request that the Court continue the deadline to submit copies of
27 pre-marked exhibits to the Clerk’s Office.

1 The Parties further request the Court address its preferences for submitting exhibits to the
2 Court and the Clerk's Office at the pretrial conference on May 24, 2012.

3 The Parties jointly request that the Court grant a 14 calendar-day extension of the deadline
4 for the parties to exchange counter deposition designations to May 17, 2012, to exchange counter-
5 counter designations on May 29, 2012, and to file all deposition designations with the Court on
6 May 31, 2012.

7 These requested extensions do not impact any other portion of the current case schedule,
8 including the current June 18, 2012 trial date. The only purpose of this requested extension is to
9 extend the deadlines noted above, and thus these requested extensions shall not in any way affect
10 any other rights or obligations of the Parties.

11 **IT IS SO STIPULATED.**

12 DATED: April 20, 2012

Bingham McCutchen LLP

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15 By: /s/ Geoffrey M. Howard
16 Geoffrey M. Howard
17 Attorneys for Plaintiff
Oracle International Corporation

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19 In accordance with General Order No. 45, Rule X, the above signatory attests that
20 concurrence in the filing of this document has been obtained from the signatory below.

21 DATED: April 20, 2012

JONES DAY

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23 By: \s\ Tharan Gregory Lanier

24 Tharan Gregory Lanier
25 Attorneys for Defendants
SAP AG, SAP America, Inc., and
26 TomorrowNow, Inc.

1 **IT IS SO ORDERED.**

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4 DATED: April __, 2012

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Phyllis J. Hamilton
United States District Judge