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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

ORACLE CORPORATION, et al.,

Plaintiffs,

v.

SAP AG, et al.,

Defendants.

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

**STIPULATED REQUEST AND
~~[PROPOSED]~~ ORDER TO EXTEND
 RESPONSIVE BRIEFING SCHEDULE
 FOR: (1) PLAINTIFFS' MOTION TO
 COMPEL FILED ON 8-1-2008; AND
 (2) PLAINTIFF'S ADMINISTRATIVE
 MOTION FILED ON 8-1-2008**

Date: N/A

Time: N/A

Courtroom: E, 15th Floor

Judge: Hon. Elizabeth D. Laporte

1 Pursuant to Civil Local Rules 6-2 and 7-12, Defendants SAP AG, SAP America, Inc. and
2 TomorrowNow, Inc. (“Defendants”) and Plaintiffs Oracle Corporation, Oracle USA, Inc., and
3 Oracle International Corporation (“Plaintiffs”) (collectively the “Parties”) hereby submit this
4 stipulated request to extend the responsive briefing schedule for Defendants’ opposition/response
5 (and Plaintiffs’ subsequent replies thereto) to the following motions filed on August 1, 2008: (1)
6 Plaintiffs’ Motion to Compel Clawed Back Documents; and (2) Plaintiffs’ Administrative Motion
7 to File Their Motion to Compel and Supporting Documents Under Seal. Specifically, the Parties
8 have stipulated to, and seek the Court’s approval of the following amended responsive briefing
9 schedule: (1) Defendants’ Opposition/Response to each motion to be filed by August 13; and (2)
10 Plaintiffs’ reply to such Oppositions/Responses be filed by August 20.

11 On July 25, 2008, the Court issued an Order setting a briefing schedule for Plaintiffs’
12 motion to compel. Dkt. No. 130. The Order directed Plaintiffs to file their motion by August 1,
13 Defendants to file their opposition by August 8, and Plaintiffs to file their reply by August 13. *Id.*
14 The Court did not set a hearing date for the motion, but indicated that it may hear the motion at
15 the next discovery conference on August 28. *Id.*

16 Plaintiffs’ filed their motion to compel on August 1, as scheduled, along with a related
17 administrative motion to file the motion to compel and related exhibits under seal. Defendants
18 now seek a short extension of time from August 8 to August 13 to file their opposition/response
19 to the August 1 motion to compel and related administrative motion. As set forth in the
20 accompanying Declaration of Scott W. Cowan, the requested extension is necessary because
21 Defendants’ work on the opposition/response, which is being handled primarily by lawyers in
22 Jones Day’s Houston office, was disrupted by Tropical Storm Edouard’s August 4 approach and
23 August 5 landfall near the Houston area. Plaintiffs have agreed to the requested extension
24 provided that Defendants agree to extend Plaintiffs’ reply briefing schedule an equal number of
25 business days, which would permit Plaintiffs to file their reply on August 20. Defendants have so
26 agreed.

1 DATED: August 7, 2008

JONES DAY

2
3 By: /s/ Scott W. Cowan
Scott W. Cowan

4 Attorneys for Defendants
5 SAP AG, SAP AMERICA, INC., and
6 TOMORROWNOW, INC.

7
8
9
10 In accordance with General Order No. 45, Rule X, the above signatory attests that
11 concurrence in the filing of this document has been obtained from the signatory below.

12
13 DATED: August 7, 2008

BINGHAM McCUTCHEN LLP

14
15 By: /s/ Geoffrey M. Howard
16 Geoffrey M. Howard

17 Attorneys for Plaintiffs
18 Oracle Corporation, Oracle International
19 Corporation, and Oracle USA, Inc.

20
21 PURSUANT TO STIPULATION, IT IS SO ORDERED.

22
23 Dated: August 8, 2008

