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18 UNITED STATES DISTRICT COURT

19 NORTHERN DISTRICT OF CALIFORNIA

20 SAN FRANCISCO DIVISION

21 ORACLE CORPORATION, a Delaware
corporation, ORACLE USA, INC., a Colorado
22 corporation, and ORACLE INTERNATIONAL
CORPORATION, a California corporation,

23 Plaintiffs,

24 v.

25 SAP AG, a German corporation, SAP
AMERICA, INC., a Delaware corporation,
26 TOMORROWNOW, INC., a Texas corporation,
and DOES 1-50, inclusive,

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

**STIPULATION FOR ORACLE TO
FILE THIRD AMENDED
COMPLAINT**

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

1 Pursuant to Federal Rule of Civil Procedure 15(a)(2), Plaintiffs Oracle
2 Corporation, Oracle USA, Inc. and Oracle International Corporation (“Oracle”) and Defendants
3 SAP AG, SAP America, Inc., and TomorrowNow, Inc. (“Defendants” and together with Oracle,
4 the “Parties”) jointly submit this Stipulation to permit Oracle to file its Third Amended
5 Complaint.

6 WHEREAS, Oracle filed its First Amended Complaint on June 1, 2007;

7 WHEREAS, Defendants answered the First Amended Complaint on July 2, 2007;

8 WHEREAS, Oracle filed its Second Amended Complaint on July 28, 2008;

9 WHEREAS, Oracle wishes to make further amendments related to the plaintiff
10 entities for each claim;

11 WHEREAS, the Parties have stipulated to an extension of time for Defendants to
12 respond to the Second Amended Complaint to allow Defendants to review and consider
13 stipulating to the filing of Oracle’s proposed Third Amended Complaint; and,

14 WHEREAS, Defendants have reviewed the proposed Third Amended Complaint
15 and consent to its public filing in the form they reviewed.

16 **NOW, THEREFORE, IT IS HEREBY STIPULATED** by the Parties, through
17 their respective counsel of record, that Oracle be permitted to amend its Second Amended
18 Complaint by filing its Third Amended Complaint. The Parties further agree that the Third
19 Amended Complaint may be filed publicly; however, the filing shall not be construed as a waiver
20 of any confidentiality designation or other protection with respect to documents, transcripts or
21 other information referred to by, or that serve as the basis for, the allegations in the Third
22 Amended Complaint. The Parties further stipulate that Oracle shall file its Third Amended
23 Complaint within two calendar days of this Stipulation being signed, and Defendants shall
24 respond to the Third Amended Complaint within seven calendar days after it is filed.

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