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17 Attorneys for Defendants
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 18 TOMORROWNOW, INC.

19 UNITED STATES DISTRICT COURT
 20 NORTHERN DISTRICT OF CALIFORNIA
 21 SAN FRANCISCO DIVISION

22 ORACLE USA, INC., et al.,
 23 Plaintiffs,
 24 v.
 25 SAP AG, et al.,
 26 Defendants.

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

**[PROPOSED] ORDER DENYING IN
 PART AND GRANTING IN PART
 PLAINTIFFS' MOTION TO AMEND
 COMPLAINT**

1 Before this Court is Plaintiffs' July 15, 2009 Motion to Amend Complaint ("Motion")
2 seeking leave to file a Fourth Amended Complaint to add four categories of proposed
3 amendments: (1) amendments relating to Siebel software and certain post-litigation conduct, (2)
4 amendments relating to the addition of seven copyright registrations for Oracle database
5 technology, (3) amendments relating to the addition of two copyright registrations for PeopleSoft
6 and J.D. Edwards "Database[s] of Documentary Support" ("Knowledge Management
7 registrations") and (4) amendments relating to the addition of 20 historic PeopleSoft copyright
8 registrations.

9 Having considered the Motion, and pursuant to Rule 16(b) and Rule 15(a) of the Federal
10 Rules of Civil Procedure and paragraph five of the June 11, 2009 Revised Case Management and
11 Pretrial Order,

12 **IT IS HEREBY ORDERED THAT:**

13 As to categories (2), (3) and (4) of the proposed amendments described above, the Court
14 DENIES Plaintiffs' Motion pursuant to Rule 16(b) because Plaintiffs' lack of diligence in moving
15 to amend fails to establish good cause to modify the scheduling order. Additionally, the Court
16 DENIES Plaintiffs' Motion pursuant to Rule 15(a) because the Motion has been brought in bad
17 faith, after undue delay, to the prejudice Defendants and the interests of justice.

18 As to category (1) of the proposed amendments described above, the Court GRANTS
19 Plaintiffs' Motion.

20 **IT IS SO ORDERED.**

21 DATED: _____

22 By: _____
23 Hon. Phyllis J. Hamilton
24 United States District Court Judge