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

24 Plaintiffs,

25 v.

26 SAP AG, *et al.*,

27 Defendants.

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

No. 07-CV-01658 PJH (EDL)

**JOINT STATUS REPORT RE
 JANUARY 26, 2010 HEARING RE
 PLAINTIFFS' MOTION TO
 COMPEL AND TO MODIFY
 PROTECTIVE ORDER**

1 As the Court ordered at the January 26, 2010 hearing on the Parties' motions to
2 compel, the Parties have met and conferred regarding Defendants' supplemental responses to
3 Oracle's Requests for Admission ("Requests") that were the subject of Oracle's motion – three
4 times telephonically and also by exchange of letters. The Parties submit this status report of
5 those discussions, as ordered by the Court.

6 The Parties have made progress on some issues, and Defendants have agreed to
7 provide Oracle with sample intended response language for a number of open items by Monday,
8 February 8 which may resolve some of the existing open issues. However, as of now, the Parties
9 still have some fundamental disagreements about the effect of the Court's guidance provided at
10 the hearing. Accordingly, the Parties jointly seek leave from the Court to submit, next week,
11 either a joint letter setting forth the Parties' respective positions, or expedited briefs, according to
12 the Court's preference, and based on the transcript of the hearing. Both Parties prefer that the
13 Court decide any remaining disputes as soon as reasonably possible so that Defendants can
14 complete and serve their supplemental responses, and in order to minimize the possibility of
15 further motion practice subsequent to those supplemental responses. The Parties are available
16 for a call with the Court, if desired, to discuss the logistics of any submission.

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DATED: February 5, 2010

BINGHAM McCUTCHEN LLP

By: _____ /s/
Geoffrey M. Howard
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Oracle USA, Inc., Oracle International
Corporation, and Oracle EMEA, Ltd.

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

JONES DAY

DATED: February 5, 2010

By: _____ /s/
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