

1 Robert A. Mittelstaedt (SBN 060359)  
 Jason McDonell (SBN 115084)  
 2 Elaine Wallace (SBN 197882)  
 JONES DAY  
 3 555 California Street, 26<sup>th</sup> Floor  
 San Francisco, CA 94104  
 4 Telephone: (415) 626-3939  
 Facsimile: (415) 875-5700  
 5 ramittelstaedt@jonesday.com  
 jmcdonell@jonesday.com  
 6 ewallace@jonesday.com

7 Tharan Gregory Lanier (SBN 138784)  
 Jane L. Froyd (SBN 220776)  
 8 JONES DAY  
 1755 Embarcadero Road  
 9 Palo Alto, CA 94303  
 Telephone: (650) 739-3939  
 10 Facsimile: (650) 739-3900  
 tglanier@jonesday.com  
 11 jfroyd@jonesday.com

12 Scott W. Cowan (Admitted *Pro Hac Vice*)  
 Joshua L. Fuchs (Admitted *Pro Hac Vice*)  
 13 JONES DAY  
 717 Texas, Suite 3300  
 14 Houston, TX 77002  
 Telephone: (832) 239-3939  
 15 Facsimile: (832) 239-3600  
 swcowan@jonesday.com  
 16 jlfuchs@jonesday.com

17 Attorneys for Defendants  
 SAP AG, SAP AMERICA, INC., and  
 18 TOMORROWNOW, INC.

BOIES, SCHILLER & FLEXNER LLP  
 DAVID BOIES  
 333 Main Street  
 Armonk, NY 10504  
 Telephone: (914) 749-8200  
 Facsimile: (914) 749-8300  
 dboies@bsfllp.com  
 STEVEN C. HOLTZMAN (SBN 144177)  
 1999 Harrison St., Suite 900  
 Oakland, CA 94612  
 Telephone: (510) 874-1000  
 Facsimile: (510) 874-1460  
 sholtzman@bsfllp.com

BINGHAM McCUTCHEM LLP  
 DONN P. PICKETT (SBN 72257)  
 GEOFFREY M. HOWARD (SBN 157468)  
 HOLLY A. HOUSE (SBN 136045)  
 Three Embarcadero Center  
 San Francisco, CA 94111-4067  
 Telephone: (415) 393-2000  
 Facsimile: (415) 393-2286  
 donn.pickett@bingham.com  
 geoff.howard@bingham.com  
 holly.house@bingham.com

DORIAN DALEY (SBN 129049)  
 JENNIFER GLOSS (SBN 154227)  
 500 Oracle Parkway, M/S 5op7  
 Redwood City, CA 94070  
 Telephone: (650) 506-4846  
 Facsimile: (650) 506-7114  
 dorian.daley@oracle.com  
 jennifer.gloss@oracle.com

19  
 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 PRE-  
 TRIAL ORDER REGARDING  
 EXCHANGE OF EXHIBITS**

1 Pursuant to Civil Local Rule 6-3, Plaintiffs Oracle USA, Inc., Oracle International  
2 Corporation, Oracle EMEA Limited, and Siebel Systems, Inc. and Defendants SAP AG, SAP  
3 America, Inc., and TomorrowNow, Inc. (together with Plaintiffs, the “Parties”), hereby submit  
4 this agreed-upon stipulation to extend time for the Parties to comply with the Court’s June 11,  
5 2009 Stipulated Revised Case Management and Pre-Trial Order (“June 11, 2009 Order”) and July  
6 21, 2010 Stipulation and Order to Extend Time to Comply with Portions of Pretrial Order  
7 Regarding Under Seal Requests and Pre-Marked Exhibits (“July 21, 2010 Order”) to exchange  
8 pre-marked exhibits.

9 The June 11, 2009 Order set August 5, 2010 as the deadline for the parties to exchange  
10 pre-marked exhibits. The July 21, 2010 Order extended the deadline to exchange pre-marked  
11 exhibits to August 10, 2010.

12 The Parties jointly request that the Court grant a 6 calendar-day extension of the deadline  
13 to exchange pre-marked exhibits to August 16, 2010. As the Parties continue to work towards  
14 focusing the issues that will be in dispute at trial and in light of the volume of exhibits to be  
15 exchanged, the Parties believe that this extension of time is necessary to allow the Parties  
16 adequate time to process and pre-mark exhibits disclosed on August 5, 2010 in accordance with  
17 the Court’s June 11, 2009 Order. Additionally, because the Parties have designated as potential  
18 trial exhibits various physical media that would be burdensome to exchange prior to trial, the  
19 Parties hereby agree to exchange placeholders, in the form of slip-sheets, in place of physical  
20 media when pre-marked exhibits are exchanged on August 16.

21 This requested extension does not impact any other portion of the current case schedule,  
22 including the current November 1, 2010 trial date. The only purpose of this requested extension  
23 is to extend the deadlines noted above, and thus this requested extension shall not in any way  
24 affect any other rights or obligations of the Parties.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

DATED: August 9, 2010

JONES DAY

By: /s/ Tharan Gregory Lanier

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

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.

DATED: August 9, 2010

BINGHAM McCUTCHEN LLP

By: /s/ Geoff Howard

Geoff Howard  
Attorneys for Plaintiffs  
Oracle USA, Inc., Oracle International  
Corporation, Oracle EMEA Limited, and  
Siebel Systems, Inc.

**IT IS SO ORDERED.**

DATED: August \_\_, 2010

\_\_\_\_\_

Phyllis J. Hamilton  
United States District Judge