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19	jennifer.gloss@oracle.com		
20	Attorneys for Plaintiffs Oracle USA, Inc., et al.		
21		S DISTRICT COURT	
22	NORTHERN DISTRICT OF CALIFORNIA OAKLAND DIVISION		
23	ORACLE USA, INC., et al.,	CASE NO. 07-CV-01658 PJH (EDL)	
	Plaintiffs,	STIPULATED REQUEST AND	
24	V.	[PROPOSED] ORDER CHANGING TIME FOR HEARING OF	
25	SAP AG, et al.,	ORACLE'S MOTION PURSUANT	
26	Defendants.	TO 17 U.S.C. § 410(c)	
27		[Fed. R. Civ. Proc. 6(b), Civil L.R. 6-1, 6-2, 7-1, 7-12]	
28		Case No. 07 CV 01658 PIH (EDI.)	

Case No. 07-CV-01658 PJH (EDL)

1	STIPULATED REQUEST TO CHANGE TIME PER CIV. L.R. 6-2
2	I. GOOD CAUSE EXISTS TO PERMIT ORACLE'S MOTION PURSUANT TO 17 U.S.C. § 410(c) TO BE HEARD ON
4	SEPTEMBER 30, 2010
5	Plaintiffs Oracle USA, Inc., Oracle International Corporation, Oracle EMEA
6	Limited and Siebel Systems, Inc. ("Plaintiffs") and Defendants SAP AG, SAP America, Inc., and
7	TomorrowNow, Inc. ("Defendants"; together with Plaintiffs, the "Parties") respectfully submit
8	this Stipulated Request and [Proposed] Order pursuant to Fed. R. Civ. P. 6(b) and Civ. L.R. 6-1,
9	6-2, 7-1, and 7-12, requesting that the Court permit Oracle's motion pursuant to 17 U.S.C. §
10	410(c) (the "§ 410(c) Motion") to be heard at the Pretrial Conference set for September 30, 2010.
11	In their Joint Pretrial Statement, the Parties agreed that "[t]he evidentiary weight
12	to be given to six certificates of copyright registrations (and the factual statements in those
13	registrations) because the copyrights were not registered within five years of first
14	publication" was a disputed point of law to be resolved by the Court. D.I. 745 at 75:19-23; see
15	also 17 U.S.C. § 410(c) (stating that the evidentiary weight to be given to certificates of
16	registration for registrations not made within five years of first publication "shall be within the
17	discretion of the court"). Plaintiffs will file a motion requesting that the Court exercise its
18	discretion with respect to these six certificates of copyright registration. See Declaration of
19	Geoffrey M. Howard in Support of Stipulated Request For Order Changing Time for Hearing of
20	§ 410(c) Motion ("Howard Decl."), ¶ 3.
21	Pursuant to Civ. L.R. 7-2, motions not otherwise excused "must be filed, served
22	and noticed in writing on the motion calendar of the assigned Judge for hearing not less than
23	35 days after service of the motion." (emphasis added). Plaintiffs respectfully suggest that
24	setting this motion for hearing on September 30, 2010, during the Parties' Pretrial Conference
25	and in parallel with the current schedule for the parties' Daubert motions, would be efficient and
26	convenient for both the Court and the parties. See Howard Decl., ¶¶ 2, 4. Defendants agreed to
27	this proposed schedule and so stipulate. $Id.$, \P 4. As September 30, 2010, is not a date on Your
28	Honor's motion calendar, the Parties respectfully submit this Stipulated Request and [Proposed] 2 Case No. 07-CV-01658 PJH (EDL)

1	Order in compliance with Local Rules. The Parties have not previously requested relief for			
2	calendaring the § 410(c) Motion. <i>Id.</i> , ¶ 6.			
3	Should Your Honor deny this Stipulated Request and [Proposed] Order, the			
4	§ 410(c) Motion will be set for September 29, 2010, or as soon thereafter as permitted by the			
5	Court. See $id.$, ¶ 4. Therefore, the effect of the Stipulated Request and [Proposed] Order would			
6	be, at most, to grant Defendants one additional calendar day for their Opposition to § 410(c)			
7	Motion, and to grant Plaintiffs one additional calendar day for their Reply in Support of § 410(c)			
8	Motion. See.Civ. L.R. 7-3(a) (requiring	Motion. See.Civ. L.R. 7-3(a) (requiring that any opposition "be served and filed not less than 21		
9	days before the hearing date"); id. at (c)	(requiring that any	reply to an opposition "be served and	
10	filed not less than 14 days before the hearing date"). The Stipulated Request and [Proposed]			
11	Order would therefore not have any significant impact on the schedule for the case. See Howard			
12	Decl., ¶ 5.			
13	For the reasons stated above and in the accompanying declaration, good cause			
14	exists to grant the Stipulated Request an	exists to grant the Stipulated Request and [Proposed] Order, thereby allowing the § 410(c)		
15	Motion to be heard on September 30, 20	Motion to be heard on September 30, 2010.		
16				
17	DATED: August 18, 2010	BINGHA	M McCUTCHEN LLP	
18		By:	/s/Geoffrey M. Howard	
19			Geoffrey M. Howard	
20		Attorneys for Plaintiffs Oracle USA, Inc., Oracle International		
21		Corpora	tion, Oracle EMEA Limited, and Siebel Systems, Inc.	
22				
23	In accordance with General Order No. 45, Rule X, the above signatory attests that			
24	concurrence in the filing of this document has been obtained from the signatory below.			
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27				
28		3	Case No. 07-CV-01658 PJH (EDL)	

1	DATED: August 18, 2010	JONES DAY
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3		By: Greg Lanier
4		Greg Lanier Attorneys for Defendants SAP AG, SAP America, Inc., and TomorrowNow, Inc.
5		TomorrowNow, Inc.
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		4 Case No. 07-CV-01658 PJH (EDL)

1		<u>ORDER</u>		
2	PURSUANT TO STIP	PURSUANT TO STIPULATION, IT IS SO ORDERED.		
3				
4	Date: August, 2010			
5		Hon. Phyllis J. Hamilton United States District Judge		
6		Officed States District Judge		
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28		5 Case No. 07-CV-01658 PIH (EDL.)		