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21 UNITED STATES DISTRICT COURT  
 22 NORTHERN DISTRICT OF CALIFORNIA  
 23 OAKLAND DIVISION

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

24 Plaintiffs,

25 v.

26 SAP AG, *et al.*,

27 Defendants.

No. 07-CV-01658 PJH (EDL)

**[PROPOSED] ORDER GRANTING  
 PLAINTIFFS' MOTION NO. 4: TO  
 EXCLUDE TESTIMONY OF  
 DEFENDANTS' EXPERT DONALD  
 REIFER**

Date: September 30, 2010  
 Time: 9:00 a.m.  
 Place: 3rd Floor, Courtroom 3  
 Judge: Hon. Phyllis J. Hamilton

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

[PROPOSED] ORDER GRANTING PLAINTIFFS' MOT. NO. 4: TO EXCLUDE TESTIMONY OF  
 DEFENDANTS' EXPERT DONALD REIFER

1 The Court having before it the Motion of Plaintiffs Oracle USA, Inc. (predecessor to  
2 Oracle America, Inc.), Oracle International Corporation, Oracle EMEA Limited and Siebel  
3 Systems, Inc. (collectively “Oracle” or “Plaintiffs”) to Exclude Testimony of Defendants’ Expert  
4 Donald Reifer, and having considered the papers and argument of the parties, IT IS HEREBY  
5 ORDERED THAT Plaintiffs’ Motion to Exclude Testimony of Defendants’ Expert Donald  
6 Reifer is GRANTED as follows:

7 Neither Reifer nor any witness relying on Reifer (*e.g.*, Defendants’ damages  
8 expert, Stephen Clarke) may present or reference or rely on the opinions and conclusions in his  
9 March 26, 2010 Expert Report relating to the count of source lines of code in Oracle software.

10  
11 **IT IS SO ORDERED.**

12 DATED: \_\_\_\_\_

13 \_\_\_\_\_  
14 Hon. Phyllis J. Hamilton  
15 United States District Court Judge  
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