

1 BINGHAM MCCUTCHEN LLP
 2 DONN P. PICKETT (SBN 72257)
 3 GEOFFREY M. HOWARD (SBN 157468)
 4 HOLLY A. HOUSE (SBN 136045)
 5 ZACHARY J. ALINDER (SBN 215695)
 6 BREE HANN (SBN 215695)
 7 Three Embarcadero Center
 8 San Francisco, CA 94111-4067
 9 Telephone: 415.393.2000
 10 Facsimile: 415.393.2286
 11 donn.pickett@bingham.com
 12 geoff.howard@bingham.com
 13 holly.house@bingham.com
 14 zachary.alinder@bingham.com
 15 bree.hann@bingham.com

9 BOIES, SCHILLER & FLEXNER LLP
 10 DAVID BOIES (Admitted *Pro Hac Vice*)
 11 333 Main Street
 12 Armonk, NY 10504
 13 Telephone: 914.749.8200
 14 dboies@bsfllp.com
 15 STEVEN C. HOLTZMAN (SBN 144177)
 16 1999 Harrison St., Suite 900
 17 Oakland, CA 94612
 18 Telephone: 510.874.1000
 19 sholtzman@bsfllp.com

15 DORIAN DALEY (SBN 129049)
 16 JENNIFER GLOSS (SBN 154227)
 17 500 Oracle Parkway, M/S 5op7
 18 Redwood City, CA 94070
 19 Telephone: 650.506.4846
 20 Facsimile: 650.506.7114
 21 dorian.daley@oracle.com
 22 jennifer.gloss@oracle.com

19 Attorneys for Plaintiffs
 20 Oracle USA, Inc., *et al.*

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

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

23 Plaintiffs,

24 v.

25 SAP AG, *et al.*,

26 Defendants.

No. 07-CV-01658 PJH (EDL)

**[PROPOSED] ORDER GRANTING
 PLAINTIFFS' MOTION NO. 6: TO
 EXCLUDE TESTIMONY OF
 DEFENDANTS' EXPERT BRUCE
 SPENCER**

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. 6:
 TO EXCLUDE TESTIMONY OF DEFENDANTS' EXPERT BRUCE SPENCER

The Court having before it the Motion of Plaintiffs Oracle USA, Inc. (predecessor to Oracle America, Inc.), Oracle International Corporation, Oracle EMEA Limited and Siebel Systems, Inc. (collectively “Oracle” or “Plaintiffs”) to Exclude Testimony of Defendants’ Expert Dr. Bruce Spencer, including the opposition and reply papers, the relevant legal authority, and the record in this matter, and good cause appearing therefore:

IT IS HEREBY ORDERED THAT Plaintiffs' Motion to Exclude Testimony of Defendants' Expert Bruce Spencer is **GRANTED**.

IT IS SO ORDERED.

DATED: _____

Hon. Phyllis J. Hamilton
United States District Court Judge