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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.

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 TomorrowNow, Inc.

CASE NO. 07-CV-01658 PJH (EDL)

**STIPULATED REQUEST AND
 [PROPOSED] ORDER CHANGING
 TIME FOR HEARING OF
 ORACLE'S MOTION PURSUANT
 TO 17 U.S.C. § 410(c)**

**[Fed. R. Civ. Proc. 6(b),
 Civil L.R. 6-1, 6-2, 7-1, 7-12]**

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

1 **STIPULATED REQUEST TO CHANGE TIME PER CIV. L.R. 6-2**

2
3 **I. GOOD CAUSE EXISTS TO PERMIT ORACLE’S MOTION**
4 **PURSUANT TO 17 U.S.C. § 410(c) TO BE HEARD ON**
5 **SEPTEMBER 30, 2010**

6 Plaintiffs Oracle USA, Inc., Oracle International Corporation, Oracle EMEA
7 Limited and Siebel Systems, Inc. (“Plaintiffs”) and Defendants SAP AG, SAP America, Inc., and
8 TomorrowNow, Inc. (“Defendants”; together with Plaintiffs, the “Parties”) respectfully submit
9 this Stipulated Request and [Proposed] Order pursuant to Fed. R. Civ. P. 6(b) and Civ. L.R. 6-1,
10 6-2, 7-1, and 7-12, requesting that the Court permit Oracle’s motion pursuant to 17 U.S.C. §
11 410(c) (the “§ 410(c) Motion”) to be heard at the Pretrial Conference set for September 30, 2010.

12 In their Joint Pretrial Statement, the Parties agreed that “[t]he evidentiary weight
13 to be given to six certificates of copyright registrations (and the factual statements in those
14 registrations) . . . because the copyrights were not registered within five years of first
15 publication” was a disputed point of law to be resolved by the Court. D.I. 745 at 75:19-23; *see*
16 *also* 17 U.S.C. § 410(c) (stating that the evidentiary weight to be given to certificates of
17 registration for registrations not made within five years of first publication “shall be within the
18 discretion of the court”). Plaintiffs will file a motion requesting that the Court exercise its
19 discretion with respect to these six certificates of copyright registration. *See* Declaration of
20 Geoffrey M. Howard in Support of Stipulated Request For Order Changing Time for Hearing of
21 § 410(c) Motion (“Howard Decl.”), ¶ 3.

22 Pursuant to Civ. L.R. 7-2, motions not otherwise excused “must be filed, served
23 and noticed in writing **on the motion calendar of the assigned Judge** for hearing not less than
24 35 days after service of the motion.” (emphasis added). Plaintiffs respectfully suggest that
25 setting this motion for hearing on September 30, 2010, during the Parties’ Pretrial Conference
26 and in parallel with the current schedule for the parties’ *Daubert* motions, would be efficient and
27 convenient for both the Court and the parties. *See* Howard Decl., ¶¶ 2, 4. Defendants agreed to
28 this proposed schedule and so stipulate. *Id.*, ¶ 4. As September 30, 2010, is not a date on Your
29 Honor’s motion calendar, the Parties respectfully submit this Stipulated Request and [Proposed]

1 DATED: August 18, 2010

JONES DAY

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By: _____
Greg Lanier
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TomorrowNow, Inc.

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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: August 20, 2010

