

1 Robert A. Mittelstaedt (SBN 060359)
 Jason McDonell (SBN 115084)
 2 Elaine Wallace (SBN 197882)
 JONES DAY
 3 555 California Street, 26th 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 jl fuchs@jonesday.com

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

19 UNITED STATES DISTRICT COURT
 20 NORTHERN DISTRICT OF CALIFORNIA
 21 SAN FRANCISCO DIVISION

22 ORACLE CORPORATION, *et al.*,
 23 Plaintiffs,
 24 v.
 25 SAP AG, *et al.*,
 26 Defendants.

BINGHAM McCUTCHEN LLP
 DONN P. PICKETT (SBN 72257)
 GEOFFREY M. HOWARD (SBN 157468)
 HOLLY A. HOUSE (SBN 136045)
 ZACHARY J. ALINDER (SBN 209009)
 BREE HANN (SBN 215695)
 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
 zachary.alinder@bingham.com
 bree.hann@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

Attorneys for Plaintiffs
 Oracle Corporation, Oracle USA, Inc., and
 Oracle International Corporation

Case No. 07-CV-1658 PJH (EDL)

**STIPULATION AND [PROPOSED]
 ORDER RE EXPERT DISCOVERY
 AND DISPOSITIVE MOTIONS
 BRIEFING SCHEDULE**

1 Pursuant to the Court's April 24, 2008 Order, Plaintiffs Oracle Corporation, Oracle USA,
2 Inc., and Oracle International Corporation and Defendants SAP AG, SAP America, Inc., and
3 TomorrowNow, Inc. (collectively, the "Parties") hereby submit this Stipulation and [Proposed]
4 Order Re Expert Discovery and Dispositive Motions Briefing Schedule.

5 The Parties agree to the following expert discovery and dispositive motions briefing
6 schedule (placed in context with the other dates established by the Court on April 24, 2008):
7

EVENT	AGREED DATES
Deadline for party with burden to designate experts	06/01/2009
Non-expert discovery cut-off	06/19/2009
Deadline for party with burden to serve expert reports and back-up (experts who provide reports are available immediately for deposition)	06/22/2009
Deadline to designate rebuttal experts	07/31/2009
Deadline to serve rebuttal expert reports and back-up (experts who provide rebuttal reports are available immediately for deposition)	08/21/2009
Expert discovery cut-off	10/09/2009
Deadline to file opening briefs for dispositive motions	09/09/2009
Deadline to file opposition briefs for dispositive motions	09/30/2009
Deadline to file reply briefs for dispositive motions	10/07/2009
Dispositive motions hearing	10/21/2009
Pretrial conference	01/14/2010
Trial	02/08/2010

1 **SO STIPULATED.**

2 DATED: May 1, 2008

JONES DAY

3

4

By: /s/ Jason McDonell
Jason McDonell

5

6

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

7

8

In accordance with General Order No. 45, Rule X, the above signatory attests that
9 concurrence in the filing of this document has been obtained from the signatory below.

9

10

DATED: May 1, 2008

BINGHAM McCUTCHEN LLP

11

12

By: /s/ Geoffrey M. Howard
Geoffrey M. Howard

13

14

Attorneys for Plaintiffs
ORACLE CORPORATION, ORACLE
INTERNATIONAL CORPORATION, and
ORACLE USA, INC.

15

16

17

18

19

SO ORDERED:

20

DATED: _____, 2008

Hon. Phyllis Hamilton
United States District Judge

21

22

23

24

25

26

27

28