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September 22, 2010

Via Electronic Delivery

The Honorable Phyllis J. Hamilton
United States District Court
3rd Floor, Courtroom 3
1301 Clay Street
Oakland, CA 94612-5212

Re: Oracle USA, Inc., et al. v. SAP AG, et al., Case No. 07-CV-1685

Your Honor:

This joint letter follows up on the Parties' joint letter to the Court dated September 14, 2010. In addition to the agreements recited in that letter, the Parties agree that Plaintiffs' Motion in Limine No. 5 is moot because Defendants will not introduce responsive evidence that is not contained in the interrogatory responses at issue in that motion, whether in support of Defendants' license defense or for some other purpose.

The Parties are meeting again with Judge Spero at 8:30 a.m. on Monday, September 27, 2010, and will promptly report any further progress they are able to make between now and the Pretrial Conference on September 30, 2010.

Sincerely yours,

/s/ Geoffrey M. Howard

/s/ Tharan Gregory Lanier

cc: Jason McDonell, Esq.
Scott Cowan, Esq.

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