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10 Attorneys for Plaintiff ORACLE CORPORATION

11
 12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA

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 15 ORACLE CORPORATION, a Delaware
 16 corporation,
 17 Plaintiff,
 18 v.
 19 SKYWIRE HOLDINGS, LLC, a Delaware
 20 limited liability company, and DONALD
 21 BRAUN, SELLER REPRESENTATIVE, an
 22 individual,
 23 Defendants.

5702 CRB
 CASE NO. 08-~~5703~~ CRB

**STIPULATION RE SETTLEMENT AND
 HEARING ON MOTIONS FOR SUMMARY
 JUDGMENT AND TO STRIKE JURY
 DEMAND; [~~PROPOSED~~] ORDER**

Hearing Date: September 25, 2009
Hearing Time: 10:00 a.m.
Courtroom: 8
Judge: Hon. Charles R. Breyer

1 Plaintiff Oracle Corporation and Defendants Skywire Holdings LLC and Donald Braun
2 (collectively, the “Parties”), have agreed on a settlement of this matter, and have documented the
3 settlement. The resolution of this matter involves a payment of funds currently held in an escrow
4 account at Wells Fargo Bank, and so, even though the escrow instructions have been completed and
5 sent to Wells Fargo, the Parties do not know exactly when the payment will be made. Payment may
6 not be made before the hearing on Oracle’s Motion for Summary Judgment and Motion to Strike
7 Jury, which is scheduled for September 25, 2009. Once payment has been made, the Parties will file
8 a stipulation for dismissal.

9 The Parties therefore jointly request that the Court take off calendar the hearings on Oracle’s
10 Motion for Summary Judgment and Motion to Strike Jury, and Defendants’ companion Motion to
11 Strike Declaration of Jeffrey Ross.

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13 Dated: September 23, 2009

HOLME ROBERTS & OWEN LLP

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15 By: s/ Meryl Macklin
16 Meryl Macklin
17 Adam Brezine
18 Attorneys for ORACLE CORPORATION

19 Dated: September 23, 2009

SHEPPARD MULLIN RICHTER & HAMPTON
LLP

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22 By: s/Steven Winick
23 Steven Winick
24 Robert Stumpf
25 Attorneys for SKYWIRE HOLDINGS, LLC
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1 **~~PROPOSED~~ ORDER**

2 Good cause appearing therefor,

3 IT IS HEREBY ORDERED that Plaintiff Oracle Corporation's Motion for Summary
4 Judgment and Motion to Strike Jury Demand, and Defendants' Motion to Strike, each of which is set
5 for hearing on September 25, 2009, are hereby taken off calendar.

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7 Dated: September 24, 2009

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10 Hon. Charles R. Breyer
11 United States District Judge
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