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ORACLE AMERICA, INC.

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

22 ORACLE AMERICA, INC.  
23 Plaintiff,  
24 v.  
25 GOOGLE, INC.  
26 Defendant.

Case No. CV 10-03561 WHA

**DECLARATION OF MEREDITH DEARBORN  
IN SUPPORT OF ORACLE AMERICA, INC.'S  
MOTION TO EXCLUDE PORTIONS OF THE  
RULE 706 EXPERT REPORT OF DR. JAMES  
KEARL**

Dept.: Courtroom 8, 19th Floor  
Judge: The Honorable William Alsup

1 I, Meredith Dearborn, declare as follows:

2 1. I am an associate with the law firm of Boies, Schiller & Flexner LLP, attorneys for  
3 plaintiff Oracle America, Inc. in the above captioned matter, and admitted to practice before this  
4 Court.

5 2. I make this declaration based on my own personal knowledge. If called as a witness, I  
6 could and would testify competently as to the matters set forth herein.

7 3. Attached hereto as **Exhibit A** is a true and correct copy of the Expert Report of Dr. Alan  
8 J. Cox as updated on April 27, 2012. **[SUBMITTED UNDER SEAL]**

9 4. Attached hereto as **Exhibit B** is a true and correct copy of excerpts from the deposition  
10 transcript of Andrew Rubin, dated April 15, 2012. **[SUBMITTED UNDER SEAL]**

11 5. I requested that Google agree to file these two exhibits in the public record, but Google's  
12 counsel refused.

13 I declare under penalty of perjury that the foregoing is true and correct and that this  
14 declaration was executed on May 1, 2012 at San Francisco, California.

15  
16  
17 By: /s/ Meredith Dearborn  
Meredith Dearborn

ATTESTATION OF FILER

I, Steven C. Holtzman, have obtained Meredith Dearborn's concurrence to file this document on her behalf.

Dated: May 1, 2012

BOIES, SCHILLER & FLEXNER LLP

By: /s/ Steven C. Holtzman  
Steven C. Holtzman

*Attorneys for Plaintiff*  
ORACLE AMERICA, INC.

**EXHIBIT A**

**FILED UNDER SEAL  
PURSUANT TO THE  
PROTECTIVE ORDER**

# **EXHIBIT B**

**FILED UNDER SEAL  
PURSUANT TO THE  
PROTECTIVE ORDER**