Exhibit A

1	MORRISON & FOERSTER LLP			
2	MICHAEL A. JACOBS (Bar No. 111664) mjacobs@mofo.com			
3	MARC DAVID PETERS (Bar No. 211725) mdpeters@mofo.com			
	755 Page Mill Road			
4	Palo Alto, CA 94304-1018 Telephone: (650) 813-5600 / Facsimile: (650) 494-0792			
5	BOIES, SCHILLER & FLEXNER LLP			
6	DAVID BOIES (Admitted <i>Pro Hac Vice</i>)			
7	dboies@bsfllp.com 333 Main Street			
8	Armonk, NY 10504 Telephone: (914) 749-8200 / Facsimile: (914) 749-8	3300		
	STEVEN C. HOLTZMAN (Bar No. 144177)			
9	sholtzman@bsfllp.com 1999 Harrison St., Suite 900			
10	Oakland, CA 94612 Talanhona: (510) 874 1000 / Faccimile: (510) 874 1	460		
11	Telephone: (510) 874-1000 / Facsimile: (510) 874-1460			
12	ORACLE CORPORATION DORIAN DALEY (Bar No. 129049)			
12	dorian.daley@oracle.com			
13	DEBORAH K. MILLER (Bar No. 95527) deborah.miller@oracle.com			
14	MATTHEW M. SARBORARIA (Bar No. 211600) matthew.sarboraria@oracle.com			
15	500 Oracle Parkway			
16	Redwood City, CA 94065 Telephone: (650) 506-5200 / Facsimile: (650) 506-7114			
17	Attorneys for Plaintiff			
	ORACLE AMERICA, INC.			
18				
19	UNITED STATES DISTRICT COURT			
20	NORTHERN DISTRICT OF CALIFORNIA			
21	SAN FRANCISCO DIVISION			
22	ORACLE AMERICA, INC.	Case No. 3:10-cv-03561-WHA		
23	Plaintiff,	ORACLE AMERICA, INC.'S		
24	v.	INITIAL DISCLOSURES		
25	GOOGLE, INC.	Judge: Honorable William H. Alsup		
26	Defendant.			
27				
28				

ORACLE AMERICA, INC.'S INITIAL DISCLOSURES CASE No. 3:10-cv-03561-WHA pa-1433184

Pursuant to Federal Rule of Civil Procedure 26(a)(1), Plaintiff Oracle America, Inc. ("Oracle") hereby makes its initial disclosures. Oracle has made a reasonable and good faith effort to make the initial disclosures provided herein, including providing general descriptions of documents, and identifying persons who may have knowledge of pertinent information, relating to the issues in this action. However, Oracle's investigation of its claims and defenses in this action is ongoing. Other potential witnesses and/or documents may be identified and become significant as discovery proceeds and as the case develops, and therefore, Oracle reserves the right to supplement these disclosures.

I. INDIVIDUALS LIKELY TO HAVE DISCOVERABLE INFORMATION THAT ORACLE MAY USE TO SUPPORT ITS CLAIMS OR DEFENSES (FED. R. CIV. P. 26(A)(1)(A)).

The persons Oracle believes are likely to have discoverable information that Oracle may use to support its claims and defenses are:

Name, Address, Telephone	Subject
Greg Bollella	Java development
Contact through counsel for Oracle	
Roger Calnan	Java development and distribution
Contact through counsel for Oracle	-
Andrew Carr	Java distribution
Contact through counsel for Oracle	
Safra Catz	Oracle's business; Oracle's acquisition of Sun;
Contact through counsel for Oracle	Java business models, business plans, and
	associated financial data; license discussions
	between Oracle and Google
Neal Civjan	Java licensing and sales, including negotiations
Contact through counsel for Oracle	with Google
Patrick Curran	Java standards, JCP, and open Java
Contact through counsel for Oracle	
Bill Daly	Oracle financial data
Contact through counsel for Oracle	
Don Deutsch	Java standards, JCP, and open Java, Java
Contact through counsel for Oracle	revenues and business
Larry Ellison	History of Oracle; Oracle's business; Oracle's
Contact through counsel for Oracle	acquisition of Sun; Java business models and
	business plans; license discussions between
	Oracle and Google
Gustavo Galimberti	Java development, Java licensing, Java
Contact through counsel for Oracle	distribution and support

ORACLE AMERICA, INC.'S INITIAL DISCLOSURES CASE NO. 3:10-cv-03561-WHA pa-1433184

1	Nama Addrass Talanhana	Subject
2	Name, Address, Telephone Craig Gering	Subject Java development, licensing, and testing
	Contact through counsel for Oracle	Java development, needsing, and testing
3	Ivgen Guner	Oracle financial data
4	Contact through counsel for Oracle	
7	Vineet Gupta	Java sales and licensing, including negotiations
5	Contact through counsel for Oracle	with Google
6	Steve Harris	Java development, distribution, licensing,
6	Contact through counsel for Oracle	business models, and business plans
7	Jeannette Hung	Java development
0	Contact through counsel for Oracle Thomas Kurian	Torridord Statistics Consists
8	Contact through counsel for Oracle	Java development, distribution, licensing, business models, and business plans; license
9	Contact through counsel for Oracle	discussions between Oracle and Google
	Jacob Lehrbaum	Java licensing and copyrights
10	Contact through counsel for Oracle	vara needsing and copyrights
11	Matthew Mayerson	Software distribution
• •	Contact through counsel for Oracle	
12	Kerry McGuire	Java business and revenues
13	Contact through counsel for Oracle	
13	John Pampuch	Java VM technology
14	Contact through counsel for Oracle	T TO S I I
1.5	Bill Pittore	Java VM development
15	Contact through counsel for Oracle Nandini Ramani	Java Development
16	Contact through counsel for Oracle	Java Development
	Mark Reinhold	Java development, distribution, licensing,
17	Contact through counsel for Oracle	business models, business plans, patent rights
18		and copyrights
	Hasan Rizvi	Java development, distribution, licensing,
19	Contact through counsel for Oracle	business models, and business plans; license
20		discussions between Oracle and Google
20	Susan Roach	Java development, distribution, licensing,
21	Contact through counsel for Oracle	business models, business plans, patent rights
22	Bill Shannon	and copyrights Java development, distribution, licensing,
22	Contact through counsel for Oracle	business models, business plans, patent rights
23	Contact through counter for oracle	and copyrights
2.1	Param Singh	Mobile Java development and business plan
24	Contact through counsel for Oracle	, ,
25	Guy Steele	Java development
	Contact through counsel for Oracle	
26	Brian Sutphin	Java licensing and business, including
27	Contact through counsel for Oracle	negotiations with Google, Java business plans
	Lars Bak	Inventor of U.S. Patent No. 6,910,205
28	Google employee	

1	Nama Address Talanhana	Cubicat
2	Name, Address, Telephone Nedim Fresko	Subject Inventor of U.S. Patent Nos. 5,966,702 and
3	121 Lincoln Way	7,426,720
4	San Francisco, CA 94122-2717 Li Gong	Inventor of U.S. Patent Nos. 6,125,447 and
	Mozilla Foundation	6,192,476
5	650 Castro Street, Suite 300 Mountain View, CA 94041-2072	
6	lgong@mozilla.com	
7	James Gosling 75 Fox Hollow Lane	Inventor of U.S. Patent No. RE38,104
8	Redwood City, CA 94062-4158	
9	Robert Griesemer Google employee	Inventor of U.S. Patent No. 6,910,205
10	Richard Tuck	Inventor of U.S. Patent Nos. 5,966,702 and
	343 Hill Street San Francisco, CA 94114-2916	6,061,520
11	Frank Yellin	Inventor of U.S. Patent No. 6,061,520
12	Google employee Representatives of Google, including witnesses	Android development, marketing and
13	identified in Google's initial disclosure	distribution (including Open Handset Alliance),
14		business plans, infringement, profit models, and revenues
15	Joshua Bloch Google employee	Android development, marketing and distribution (including Open Handset Alliance),
16	Google employee	business plans, infringement, profit models, and revenues
17	Dan Bornstein	Android development, marketing and
18	Google employee	distribution (including Open Handset Alliance), business plans, infringement, profit models,
19	Bill Buzbee	and revenues Android development, marketing and
20	Google employee	distribution (including Open Handset Alliance),
21		business plans, infringement, profit models, and revenues
22	Eric Chu	Java license negotiations between Google and
23	Google employee Gregorz Czajkowski	Sun Android development, marketing and
24	Google employee	distribution (including Open Handset Alliance),
		business plans, infringement, profit models, and revenues
25	Tim Lindholm	Java license negotiations between Google and
26	Google employee Rich Miner	Sun Java license negotiations between Google and
27	Google employee	Sun

_		
1	Name, Address, Telephone	Subject
2	Larry Page	Knowledge of Oracle's Java-related intellectual
3	Google employee	property; Android development, marketing and distribution (including Open Handset Alliance),
4		business plans, infringement, profit models, and revenues; license discussions between
5		Google and Oracle
5	Andy Rubin	Android development, marketing and
6	Google employee	distribution (including Open Handset Alliance),
	Google employee	business plans, infringement, profit models,
7		revenues, and license negotiations between
		Google and Oracle
8	Eric Schmidt	Java development; knowledge of Oracle's Java-
9	Google employee	related intellectual property; Android
	Google employee	development, marketing and distribution
10		(including Open Handset Alliance), business
		plans, infringement, profit models, and
11		revenues; license discussions between Google
12		and Oracle
12	Representatives of manufacturers and	Android distribution, revenues, infringement
13	distributors of Android devices	
	Alan Brenner	Java development, distribution, licensing,
14	RIM/Blackberry employee	business models, business plans, patent rights
15		and copyrights
13	Ethan Beard	Java license negotiations between Google and
16	Facebook employee	Sun
	Rich Green	Java development, distribution, licensing,
17	Nokia employee	business models, business plans, patent rights
18		and copyrights
10		

II. DOCUMENTS (FED. R. CIV. P. 26(A)(1)(B)).

Oracle discloses and describes by category the following documents, electronically-stored information, data compilations and tangible things that are or may be in the possession, custody or control of Oracle that Oracle currently and reasonably believes it may use to support its claims or defenses:

- 1. U.S. Patent No. 6,125,447 and related files.
- 2. U.S. Patent No. 6,192,476 and related files.
- 3. U.S. Patent No. 5,966,702 and related files.
- 4. U.S. Patent No. 7,426,720 and related files.
- 5. U.S. Patent No. RE38,104 and related files.

19

20

21

22

23

24

25

26

27

1	6	ó.	U.S. Patent No. 6,910,205 and related files.
2	7	' .	U.S. Patent No. 6,061,520 and related files.
3	8	3.	U.S. Certificate of Copyright Registration for J2SE 1.4, the copyrighted
4			work, and related files.
5	9).	U.S. Certificate of Copyright Registration for J2SE 5.0, the copyrighted
6			work, and related files.
7	1	0.	U.S. Certificate of Supplemental Copyright Registration for J2SE 5.0 and
8			related files.
9	1	1.	Documents evidencing the conception, development, reduction to practice,
10			and design of the inventions claimed by the patents at issue.
11	1:	2.	Documents relating to the history and development of the Java platform.
12	1	3.	Java releases and related documentation.
13	1	4.	Documents evidencing sales, distribution, deployment, and use of Java
14			products.
15	1.	5.	Java-related contracts, licenses, and pricing models.
16	1	6.	Sun and Oracle Java business plans and financial results.
17	1	7.	Documents evidencing Google's knowledge of the Sun patent portfolio,
18			including documents relating to licensing of the Java IP rights by Google
19			and Google's participation in the Java Community Process.
20	1	8.	Android releases and related documentation.
21	1	9.	Google marketing, advertising, and press releases, and statements
22			regarding Android, Android devices, Android distribution and deployment,
23			and revenues attributable to Android.
24	2	20.	Public and third-party reports, releases, and statements regarding the
25			distribution and deployment of Android devices, and the impact of Android
26			and Android devices on the use, distribution, and deployment of the Java
27			platform and Java devices.

21. Documents relating to each type and category of damages described in Section III below, including license fees, revenue from and profitability of Java and related Oracle businesses, and Oracle's and Google's business models for the relevant lines of business.

The above documents are maintained primarily at one or more Oracle locations in California (Santa Clara, Redwood Shores, and Menlo Park) and Broomfield, Colorado, depending on the location of the various individuals identified above.

III. INITIAL DISCLOSURES REGARDING COMPUTATION OF DAMAGES (FED. R. CIV. P. 26(A)(1)(C)).

Oracle has not completed its calculation for monetary damages as it will require expert evaluation of information in Google's possession. When available, documents and information will be provided in conformity with Fed. R. Civ. P. 26(a)(2) and/or any relevant Orders entered by the Court.

Based on information currently available to Oracle, Oracle seeks compensation for all damages caused by Google's infringing activities, including recovery of profits Oracle would have made without the infringement, disgorgement of profits made by Google that are attributable to the infringement, and/or award of the fair market value of a license for the rights infringed. Such compensation may include at least (1) harm to the profits of Oracle's Java business caused by Google's infringing activities, including lost license fees; (2) harm to Oracle's business model and strategy relating to Java and the importance of minimizing "forks" in Java; (3) harm to Oracle's reputation and goodwill; (4) harm to Oracle profits from the sales or licenses of other software or hardware products reasonably related to or stemming from Oracle's Java business; (5) the amount a willing buyer would have been reasonably required to pay a willing seller in a hypothetical negotiation for a license to the infringed intellectual property at the time of the infringement; and/or (6) all Google profits directly or indirectly attributable to the infringement, including profits from advertising, search and other revenue through use of the Android platform on mobile devices. Because Google's infringement has been willful and intentional, Oracle is entitled to recover treble damages, pursuant to 35 U.S.C. § 284.

1	Oracle is entitled to actual dam	ages for Google's use of Oracle's copyrighted works,	
2	together with Google's profits attributable to the infringement, computed by subtracting from		
3	Google's gross revenue any deductions established by Google for deductible expenses or the		
4	elements of profit attributable to factors other than the infringed work. 17 U.S.C. § 504(b).		
5	Regarding Google's revenue from its Android business, Google's CEO Eric Schmidt has said		
6	"Trust me that revenue is large enough to pay for all of the Android activities and a whole bunc		
7	more." Google will disclose information regarding its revenues and expenses attributable to		
8	Android during discovery. At a minimum, Oracle is entitled to statutory damages, pursuant to 1		
9	U.S.C. § 504(c).		
10	In addition, Oracle is entitled to recover the costs of suit, prejudgment interest, and		
11	attorney's fees under 35 U.S.C. § 285. These costs, expenses and further relief cannot be		
12	computed until the conclusion of this suit.		
13	11. It if the Disclosered Regulation is defined.		
14	(FED. R. CIV. P. 26(A)(1)(D)).		
15	Oracle is unaware of any insurance agreement under which an insurance business may be		
16	liable to satisfy all or part of a judgment in this action or to indemnify or reimburse for payments		
17	made to satisfy any judgment.		
18	Dated: December 2, 2010	MICHAEL A. JACOBS MARC DAVID PETERS	
19		MORRISON & FOERSTER LLP	
20		By: /s/ Marc David Peters	
21		Attorneys for Plaintiff	
22		ORACLE AMERICA, INC.	
23			
24			
25			
26			
27			
28			

1	CERTIFIC	ATE OF SERVICE	
2 3	I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 755 Page Mill Road, Palo Alto, California 94304-1018. I am not a party to the within cause and I am over the age of eighteen years.		
4	I further declare that on December 2, 2010, I served a copy of:		
5	ORACLE AMERICA, INC.'S INITIAL DISCLOSURES		
6			
7		'ed. Rule Civ. Proc. rule 5(b)] by electronically ough Morrison & Foerster LLP's electronic mail	
system to the e-mail address(es) set forth below, or as stated on the attallist per agreement in accordance with Federal Rules of Civil Procedure			
9	inst per agreement in accordance wi		
10	Robert F. Perry Scott T. Weingaertner	Timothy T. Scott Geoffrey M. Ezgar	
11	Bruce W. Baber KING & SPALDING LLP	Leo Spooner III KING & SPALDING, LLP	
12	1185 Avenue of the Americas New York, NY 10036-4003	333 Twin Dolphin Drive, Suite 400 Redwood Shores, CA 94065	
131415	RPerry@kslaw.com SWeingaertner@kslaw.com Fax: 212.556.2222	TScott@kslaw.com GEzgar@kslaw.com LSpooner@kslaw.com	
16 17 18 19 20 21 22 23 24 25	Donald F. Zimmer, Jr. Cheryl Z. Sabnis KING & SPALDING LLP 101 Second Street, Suite 2300 San Francisco, CA 94105 fzimmer@kslaw.com csabnis@kslaw.com Fax: 415.318.1300 Joseph R. Wetzel GREENBERG TRAURIG LLP 153 Townsend Street, 8th Floor San Francisco, CA 94107 wetzelj@gtlaw.com	Fax: 650.590.1900 Ian C. Ballon Heather Meeker (App for Admission to ND Cal to be filed) GREENBERG TRAURIG LLP 1900 University Avenue East Palo Alto, CA 94303 ballon@gtlaw.com meekerh@gtlaw.com Fax: 650.328.8508	
26	Fax: 415.707.2010		
27			

1	I declare under penalty of perjury that the foregoing is true and correct.		
2	Executed at Palo Alto, California, this 2nd day of December, 2010.		
3			
4			
5	Richard S. Ballinger (typed)	/s/ Richard S. Ballinger (signature)	
6	\ 01	, ,	
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
2122			
23			
24			
25			
26			
27			
28			
	CERTIFICATE OF SERVICE		

CERTIFICATE OF SERVICE CASE NO. 3:10-cv-03561-WHA pa-1433184