

Exhibit B

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17 *Attorneys for Plaintiff*
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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.
27

Case No. 3:10-cv-03561-WHA

**ORACLE AMERICA, INC.'S
SUPPLEMENTAL AND AMENDED
INITIAL DISCLOSURES**

Judge: Honorable William H. Alsup

Pursuant to Federal Rule of Civil Procedure 26(a)(1) and 26(e), Plaintiff Oracle America, Inc. (“Oracle”) hereby provides these supplemental and amended 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)(i)).

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 Contact through counsel for Oracle	Java development
Roger Calnan Contact through counsel for Oracle	Java development and distribution
Andrew Carr Contact through counsel for Oracle	Java distribution
Safra Catz Contact through counsel for Oracle	Oracle’s business; Oracle’s acquisition of Sun; Java business models, business plans, and associated financial data; license discussions between Oracle and Google
Neal Civjan Former Oracle employee	Java licensing and sales, including negotiations with Google
Patrick Curran Contact through counsel for Oracle	Java standards, JCP, and open Java
Bill Daly Contact through counsel for Oracle	Oracle financial data
Don Deutsch Contact through counsel for Oracle	Java standards, JCP, and open Java, Java revenues and business
Larry Ellison Contact through counsel for Oracle	History of Oracle; Oracle’s business; Oracle’s acquisition of Sun; Java business models and business plans; license discussions between Oracle and Google
Gustavo Galimberti Contact through counsel for Oracle	Java development, Java licensing, Java distribution and support
Craig Gering Former Oracle employee	Java development, licensing, and testing

	Name, Address, Telephone	Subject
1		
2	Ivgen Guner Contact through counsel for Oracle	Oracle financial data
3	Vineet Gupta Former Oracle employee	Java sales and licensing, including negotiations with Google
4	Steve Harris Contact through counsel for Oracle	Java development, distribution, licensing, business models, and business plans
5	Jeannette Hung Contact through counsel for Oracle	Java development
6	Thomas Kurian Contact through counsel for Oracle	Java development, distribution, licensing, business models, and business plans; license discussions between Oracle and Google
7	Jacob Lehrbaum Contact through counsel for Oracle	Java licensing and copyrights
8	Matthew Mayerson Contact through counsel for Oracle	Software distribution
9	Kerry McGuire Contact through counsel for Oracle	Java business and revenues
10	John Pampuch Contact through counsel for Oracle	Java VM technology
11	Bill Pittore Contact through counsel for Oracle	Java VM development
12	Nandini Ramani Contact through counsel for Oracle	Java Development
13	Mark Reinhold Contact through counsel for Oracle	Java development, distribution, licensing, business models, business plans, patent rights and copyrights
14	Hasan Rizvi Contact through counsel for Oracle	Java development, distribution, licensing, business models, and business plans; license discussions between Oracle and Google
15	Susan Roach Contact through counsel for Oracle	Java development, distribution, licensing, business models, business plans, patent rights and copyrights
16	Bill Shannon Contact through counsel for Oracle	Java development, distribution, licensing, business models, business plans, patent rights and copyrights
17	Param Singh Contact through counsel for Oracle	Mobile Java development and business plan
18	Guy Steele Contact through counsel for Oracle	Java development
19	Brian Sutphin Contact through counsel for Oracle	Java licensing and business, including negotiations with Google, Java business plans
20	Ken Glueck Contact through counsel for Oracle	License discussions between Oracle and Google; Java business models and business plans
21	Michael Pfefferlen Contact through counsel for Oracle	Java sales and licensing, including negotiations with Google
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	Name, Address, Telephone	Subject
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2	Adam Messinger	Java development, distribution, licensing,
3	Contact through counsel for Oracle	business models, and business plans
4	Bhaskar Gorti	Oracle's business
5	Contact through counsel for Oracle	
6	Jeet Kaul	Java licensing and business
7	Former Oracle employee	
8	Kathleen Knopoff	Java licensing and business
9	Former Sun employee	
10	Leo Cizek	Java licensing and business, including
11	Contact through counsel for Oracle	negotiations with Google, Java business plans
12	Lino Persi	Java licensing and business
13	Contact through counsel for Oracle	
14	Noel Poore	Mobile Java development and business plan
15	Contact through counsel for Oracle	
16	Geoffrey Morton	Java licensing and business
17	Contact through counsel for Oracle	
18	Ed Washington	Java licensing and business
19	Contact through counsel for Oracle	
20	Govind Vedantham	Java licensing and business
21	Contact through counsel for Oracle	
22	Martin Lister	Java licensing and business
23	Former Oracle Employee	
24	Nachi Periakaruppan	Java licensing and business
25	Former Oracle Employee	
26	Brian Faye	Java licensing and business
27	Contract through counsel for Oracle	
28	Rajiv Mordani	Java development
29	Contact through counsel for Oracle	
30	Joe (Huizhe) Wang	Java development
31	Contact through counsel for Oracle	
32	Lars Bak	Inventor of U.S. Patent No. 6,910,205
33	Google employee	
34	Nedim Fresko	Inventor of U.S. Patent Nos. 5,966,702 and
35	121 Lincoln Way	7,426,720
36	San Francisco, CA 94122-2717	
37	Li Gong	Inventor of U.S. Patent Nos. 6,125,447 and
38	Mozilla Foundation	6,192,476
39	650 Castro Street, Suite 300	
40	Mountain View, CA 94041-2072	
41	lgong@mozilla.com	
42	James Gosling	Inventor of U.S. Patent No. RE38,104
43	Google employee	
44	Robert Griesemer	Inventor of U.S. Patent No. 6,910,205
45	Google employee	

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Name, Address, Telephone	Subject
Richard Tuck 343 Hill Street San Francisco, CA 94114-2916	Inventor of U.S. Patent Nos. 5,966,702 and 6,061,520
Frank Yellin Google employee	Inventor of U.S. Patent No. 6,061,520
Representatives of Google, including witnesses identified in Google's initial disclosure and individuals included in Google's custodial collection	Android development, marketing and distribution (including Open Handset Alliance), business plans, infringement, profit models, and revenues
Joshua Bloch Google employee	Android development, marketing and distribution (including Open Handset Alliance), business plans, infringement, profit models, and revenues
Dan Bornstein Google employee	Android development, marketing and distribution (including Open Handset Alliance), business plans, infringement, profit models, and revenues
Bill Buzbee Google employee	Android development, marketing and distribution (including Open Handset Alliance), business plans, infringement, profit models, and revenues
Eric Chu Google employee	Java license negotiations between Google and Sun
Gregorz Czajkowski Google employee	Android development, marketing and distribution (including Open Handset Alliance), business plans, infringement, profit models, and revenues
Tim Lindholm Google employee	Java license negotiations between Google and Sun
Rich Miner Google employee	Java license negotiations between Google and Sun
Larry Page Google employee	Knowledge of Oracle's Java-related intellectual property; Android development, marketing and distribution (including Open Handset Alliance), business plans, infringement, profit models, and revenues; license discussions between Google and Oracle
Andy Rubin Google employee	Android development, marketing and distribution (including Open Handset Alliance), business plans, infringement, profit models, revenues, and license negotiations between Google and Oracle

Name, Address, Telephone	Subject
Eric Schmidt Google employee	Java development; knowledge of Oracle's Java-related intellectual property; Android development, marketing and distribution (including Open Handset Alliance), business plans, infringement, profit models, and revenues; license discussions between Google and Oracle
Representatives of manufacturers and distributors of Android devices	Android distribution, revenues, infringement
Alan Brenner RIM/Blackberry employee	Java development, distribution, licensing, business models, business plans, patent rights and copyrights
Ethan Beard Facebook employee	Java license negotiations between Google and Sun
Rich Green Nokia employee	Java development, distribution, licensing, business models, business plans, patent rights and copyrights
Individuals identified by Google in response to Oracle's interrogatory as having been involved in the development of Android	Android development

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

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.
6. U.S. Patent No. 6,910,205 and related files.
7. U.S. Patent No. 6,061,520 and related files.
8. U.S. Certificate of Copyright Registration for J2SE 1.4, the copyrighted work, and related files.

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9. U.S. Certificate of Copyright Registration for J2SE 5.0, the copyrighted work, and related files.
10. U.S. Certificate of Supplemental Copyright Registration for J2SE 5.0 and related files.
11. Documents evidencing the conception, development, reduction to practice, and design of the inventions claimed by the patents at issue.
12. Documents relating to the history and development of the Java platform.
13. Java releases and related documentation.
14. Documents evidencing sales, distribution, deployment, and use of Java products.
15. Java-related contracts, licenses, and pricing models.
16. Sun and Oracle Java business plans and financial results.
17. Documents evidencing Google’s knowledge of the Sun patent portfolio, including documents relating to licensing of the Java IP rights by Google and Google’s participation in the Java Community Process.
18. Android releases and related documentation.
19. Google marketing, advertising, and press releases, and statements regarding Android, Android devices, Android distribution and deployment, and revenues attributable to Android.
20. Public and third-party reports, releases, and statements regarding the distribution and deployment of Android devices, and the impact of Android and Android devices on the use, distribution, and deployment of the Java 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.

1 The above documents are maintained primarily at one or more Oracle locations in
2 California (Santa Clara, Redwood Shores, and Menlo Park) and Broomfield, Colorado, depending
3 on the location of the various individuals identified above. Oracle has otherwise produced and is
4 continuing to produce documents that Oracle reasonably believes it may use to support its claims
5 or defenses.

6 **III. INITIAL DISCLOSURES REGARDING COMPUTATION OF DAMAGES**
7 **(FED. R. CIV. P. 26(a)(1)(A)(iii)).**

8 Oracle provided Google's counsel with a damages expert report, subject to possible
9 supplementation, and Oracle has otherwise provided information regarding the computation of
10 damages in response to Google's interrogatories, and Oracle incorporates both by reference into
11 these amended disclosures. As noted previously, Oracle has not completed its calculation for
12 monetary damages as it will require expert evaluation of information in Google's possession and
13 further supplementation after further productions of documents by Google. Oracle otherwise
14 incorporates by reference its initial disclosures.

15 **IV. INITIAL DISCLOSURES REGARDING INSURANCE**
16 **(FED. R. CIV. P. 26(a)(1)(A)(iv)).**

17 Oracle is unaware of any insurance agreement under which an insurance business may be
18 liable to satisfy all or part of a judgment in this action or to indemnify or reimburse for payments
19 made to satisfy any judgment.

20 Dated: June 3, 2011

DAVID BOIES
STEVEN C. HOLTZMAN
BOIES, SCHILLER & FLEXNER LLP

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23 By: /s/ STEVEN C. HOLTZMAN

Attorneys for Plaintiff
ORACLE AMERICA, INC.

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2 **CERTIFICATE OF SERVICE**

3 I declare that I am employed with the law firm of Boies, Schiller & Flexner LLP whose
4 address is 1999 Harrison Street, Suite 900, Oakland, California 94612. I am not a party to the
within cause, and I am over the age of eighteen years.

5 I further declare that on June 3, 2011, I served a copy of:

6 **ORACLE AMERICA, INC.'S SUPPLEMENTAL AND AMENDED INITIAL**
7 **DISCLOSURES**

- 8 **BY FACSIMILE, [Fed. Rule Civ. Proc. rule 5(b)]** by sending a true copy from
9 Boies, Schiller & Flexner LLP's facsimile transmission telephone number
10 510.874.1460 to the fax number(s) set forth below, or as stated on the attached
service list. The transmission was reported as complete and without error. The
transmission report was properly issued by the transmitting facsimile machine.

11 I am readily familiar with Boies, Schiller & Flexner LLP's practice for sending
12 facsimile transmissions, and know that in the ordinary course of Boies, Schiller &
13 Flexner LLP's business practice the document(s) described above will be
transmitted by facsimile on the same date that it (they) is (are) placed at Boies,
Schiller & Flexner LLP for transmission.

- 14 **BY U.S. MAIL [Fed. Rule Civ. Proc. rule 5(b)]** by placing a true copy thereof
15 enclosed in a sealed envelope with postage thereon fully prepaid, addressed as
16 follows, for collection and mailing at Boies, Schiller & Flexner LLP, 1999 Harrison
Street, Suite 900, Oakland, California 94612 in accordance with Boies, Schiller &
Flexner LLP's ordinary business practices.

17 I am readily familiar with Boies, Schiller & Flexner LLP's practice for collection
18 and processing of correspondence for mailing with the United States Postal Service,
19 and know that in the ordinary course of Boies, Schiller & Flexner LLP's business
20 practice the document(s) described above will be deposited with the United States
Postal Service on the same date that it (they) is (are) placed at Boies, Schiller &
Flexner LLP with postage thereon fully prepaid for collection and mailing.

- 21 **BY OVERNIGHT DELIVERY [Fed. Rule Civ. Proc. rule 5(b)]** by placing a true
22 copy thereof enclosed in a sealed envelope with delivery fees provided for,
23 addressed as follows, for collection by UPS, at 1999 Harrison Street, Suite 900,
Oakland, California 94612 in accordance with Boies, Schiller & Flexner LLP's
24 ordinary business practices.

25 I am readily familiar with Boies, Schiller & Flexner LLP's practice for collection
26 and processing of correspondence for overnight delivery and know that in the
ordinary course of Boies, Schiller & Flexner LLP's business practice the
27 document(s) described above will be deposited in a box or other facility regularly
maintained by UPS or delivered to an authorized courier or driver authorized by
28 UPS to receive documents on the same date that it (they) is are placed at Boies,
Schiller & Flexner LLP for collection.

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BY PERSONAL SERVICE [Fed. Rule Civ. Proc. rule 5(b)] by placing a true copy thereof enclosed in a sealed envelope addressed as follows for collection and delivery at the mailroom of Boies, Schiller & Flexner LLP, causing personal delivery of the document(s) listed above to the person(s) at the address(es) set forth below.

I am readily familiar with Boies, Schiller & Flexner LLP's practice for the collection and processing of documents for hand delivery and know that in the ordinary course of Boies, Schiller & Flexner LLP's business practice the document(s) described above will be taken from Boies, Schiller & Flexner LLP's mailroom and hand delivered to the document's addressee (or left with an employee or person in charge of the addressee's office) on the same date that it is placed at Boies, Schiller & Flexner LLP's mailroom.

BY ELECTRONIC SERVICE [Fed. Rule Civ. Proc. rule 5(b)] by electronically mailing a true and correct copy through Boies, Schiller & Flexner LLP's electronic mail system to the e-mail address(es) set forth below, or as stated on the attached service list per agreement in accordance with Federal Rules of Civil Procedure rule 5(b).

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I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed at Oakland, California, this 3rd day of June, 2011.

Sheilah Buack
(typed)

Sheilah Buack
(signature)