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 ORACLE AMERICA, INC.

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

21 ORACLE AMERICA, INC.

22 Plaintiff,

23 v.

24 GOOGLE INC.

25 Defendant.

Case No. CV 10-03561 WHA

**OUTLINE OF ORACLE AMERICA,  
 INC.'S RULE 50(A) MOTION AT  
 THE CLOSE OF ALL EVIDENCE IN  
 PHASE TWO**

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

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- I. INTRODUCTION**
- II. STATEMENT OF FACTS**
- III. LEGAL STANDARD FOR JUDGMENT AS A MATTER OF LAW**
- IV. NO REASONABLE JURY COULD FIND THAT GOOGLE DID NOT INFRINGE THE ASSERTED CLAIMS OF THE '104 PATENT**
  - A. Android resolve.c infringes claims 11, 39, 40, and 41 of the '104 patent**
    - 1. Dalvik bytecode instructions contain symbolic references**
  - B. Android dexopt infringes claims 27 and 29 of the '104 patent**
    - 1. Dalvik bytecode instructions contain symbolic references**
    - 2. Dexopt resolves symbolic references “dynamically rather than statically”**
    - 3. Under the correct claim construction, dexopt resolves symbolic references “dynamically rather than statically”**
- V. NO REASONABLE JURY COULD FIND THAT GOOGLE DID NOT INFRINGE THE ASSERTED CLAIMS OF THE '520 PATENT**
  - A. Android infringes claims 1 and 20 of the '520 patent**
    - 1. Android dx tool simulates execution of static array initialization**
- VI. GOOGLE’S EQUITABLE DEFENSES FAIL**
  - A. Google Has Not Shown that Equitable Estoppel Bars Oracle’s Patent Infringement Claims**
  - B. Google Has Not Shown that the Doctrine of Laches Applies to Oracle’s Patent Infringement Claims**
  - C. Google Has Not Shown that Oracle or Sun Waived Its Right to Assert Patent Infringement Claims**
  - D. Google Has Not Shown that Oracle or Sun Gave It an Implied License to Use Oracle’s Patents**
- VII. ALTERNATIVE GOOGLE DEFENSES THAT GOOGLE PLED BUT DID NOT PRESENT TO THE JURY FAIL**
  - A. Google Has Not Shown Patent Misuse**
  - B. Google Has Not Shown Use By The United States**
  - C. Google Has Not Shown that Oracle or Sun Gave It an Express License to Use Oracle’s Patents**

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**D. Google Has Not Shown that Oracle’s Patent Infringement Claims Are Subject to the Doctrine of Unclean Hands**

**VIII. CONCLUSION**

Dated: May 15, 2012

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By: /s/ Michael A. Jacobs

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