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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.
Plaintiff,
v.
GOOGLE INC.
Defendant.

Case No. CV 10-03561 WHA (DMR)
**STIPULATION AND ~~PROPOSED~~
ORDER TO STAY EXECUTION OF
COSTS AWARD PENDING APPEAL**
Dept.: Courtroom 9, 19th Floor
Judge: Honorable William H. Alsup

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STIPULATION

WHEREAS, on September 4, 2012, the Court awarded costs to Google in the amount of \$1,130,320 (“Costs Award”) (ECF 1241 at 5);

WHEREAS, on October 3, 2012, Oracle filed a Notice of Appeal from the Final Judgment entered by the Court on June 20, 2012 (ECF 1211);

WHEREAS, Oracle desires to stay execution of the Costs Award pending appeal, pursuant to Fed. R. Civ. P. 62(d), and seeks a waiver of the requirement that it post a supersedeas bond; and

WHEREAS, Google is agreeable to staying execution of the Costs Award pending appeal and agrees to waive the requirement that Oracle post a supersedeas bond, provided that Oracle pay the Costs Award with post-judgment interest, provided the Costs Award has not been overturned, at the exhaustion of all appellate proceedings;

NOW THEREFORE THE PARTIES HEREBY STIPULATE AND AGREE as follows:

1. Pursuant to Fed. R. Civ. P. 62(d), execution of the costs awarded by this Court on September 4, 2012, shall be stayed pending appeal from the Final Judgment of June 20, 2012. By agreement of the parties, Oracle is not required to post a supersedeas bond.
2. Provided the Costs Award has not been overturned, at the exhaustion of all appellate proceedings Oracle shall pay that award with post-judgment interest.

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ORDER

The foregoing stipulation is approved, and IT IS SO ORDERED.

Date: October 15, 2012.



Honorable William Alsup
Judge of the United States District Court

1 Dated: October 15, 2012

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1 Dated: October 15, 2012

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