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 GOOGLE, INC.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

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

Case No. CV 10-03561 WHA

**JOINT STIPULATION AND
~~PROPOSED~~ ORDER RE THE
 DEPOSITIONS OF HENRIK STAHL
 AND HENRIQUE DE CASTRO**

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

1 **STIPULATION**

2 WHEREAS Federal Rule of Civil Procedure 29 provides that the parties may stipulate to
3 extend discovery;

4 WHEREAS Federal Rule of Civil Procedure 29(b) provides that Court approval is
5 required to extend discovery, even where the parties have stipulated to the extension;

6 WHEREAS, fact discovery in this case closes on December 16, 2016 (Dkt. Nos. 1334,
7 1356);

8 WHEREAS, Defendant Google Inc. (“Google”) desires to take the deposition of Henrik
9 Stahl, Plaintiff Oracle America, Inc.’s (“Oracle”) Vice President, Product Management, Internet
10 of Things;

11 WHEREAS, Henrik Stahl lives in Stockholm, Sweden and is unable to travel to the
12 United States for the remainder of 2015 for personal reasons;

13 WHEREAS, Oracle and Google (collectively, the “Parties”) conferred and agreed, due to
14 the witness’ unavailability, that Henrik Stahl would be produced for deposition after the close of
15 fact discovery on January 14, 2016 in New York;

16 WHEREAS, Oracle desires to take the deposition of Henrique de Castro, Google’s former
17 President, Global Media, Mobile & Platforms;

18 WHEREAS, on November 4, 2015, Oracle informed Google that it wanted to discuss
19 dates for the deposition of Henrique de Castro and asked if Google would accept a deposition
20 notice for Henrique de Castro or if Oracle would need to serve Henrique de Castro with a
21 subpoena;

22 WHEREAS, on November 11, 2015, Google wrote it would poll Henrique de Castro for
23 his availability and would get back to Oracle on dates as soon as possible;

24 WHEREAS, on November 24, 2015, Oracle notified Google that it was still awaiting
25 deposition dates for, among others, Henrique de Castro;

26 WHEREAS, on November 25, 2015, Google said it had been unsuccessful in its efforts to
27 secure a deposition date for Henrique de Castro and advised Oracle to try other alternatives (e.g.,
28 a subpoena);

1 WHEREAS, on November 25, 2015, Oracle requested that Google provide Oracle with
2 Henrique de Castro's last known home address;

3 WHEREAS, on November 30, 2015, Google provided such information;

4 WHEREAS, service was unsuccessfully attempted at multiple potential addresses for Mr.
5 de Castro on November 27, 2015, November 30, 2015, December 1, 2015, December 2, 2015,
6 December 3, 2015, December 4, 2015, December 5, 2015, December 8, 2015, December 9, 2015,
7 December 11, 2015, and December 12, 2015, including multi-hour "stakeouts" on December 5, 8,
8 9, and 12, 2015;

9 WHEREAS, Henrique de Castro was served with the subpoena on December 14, 2015;

10 WHEREAS, Mr. de Castro indicated that he was unavailable for deposition on the date
11 noticed, December 16, which is the last day of discovery:

12 WHEREAS, the Parties conferred and agreed that Oracle would have until January 15,
13 2015 to complete Mr. de Castro's deposition;

14 WHEREAS, good cause exists for allowing the depositions of Henrik Stahl and Henrique
15 de Castro after the close of fact discovery;

16 NOW, THEREFORE, the Parties AGREE AND STIPULATE that:

17 (i) Henrik Stahl's deposition will be held in New York on January 14, 2016;

18 and

19 (ii) Oracle may take Henrique de Castro's deposition no later than January 15,
20 2016.

21 Dated: December 16, 2015

BOIES, SCHILLER & FLEXNER LLP

22 /s/ Steven Holtzman

STEVEN HOLTZMAN

23 By: Attorneys for Plaintiff
ORACLE AMERICA, INC.

24
25 Dated: December 16, 2015

Keker & Van Nest LLP

26 By: /s/ Robert A. Van Nest

ROBERT A. VAN NEST

27 Attorneys For Defendant
GOOGLE, INC.

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ATTESTATION OF CONCURRENCE

I, Steven Holtzman, the ECF User whose ID and password are being used to file this Joint Stipulation and [Proposed] Order Regarding the Depositions of Henrik Stahl and Henrique de Castro, hereby attest that Robert Van Nest has concurred in this filing.


Dated: December 16, 2015

By: /s/ Steven Holtzman
STEVEN HOLTZMAN

~~[PROPOSED]~~ ORDER

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

Date: December 17, 2015.



Honorable William H. Alsup
Judge of the United States District Court