

United States District Court  
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ORACLE AMERICA, INC.,  
Plaintiff,

No. C 10-03561 WHA

v.


GOOGLE INC.,  
Defendant.

**REQUEST FOR BRIEFING  
ON JURY INSTRUCTION,  
APPEAL AND JURY  
QUESTIONNAIRE**

The Court intends to instruct the jury on fair use by adapting the fair-use opinion rendered in this very case by the Federal Circuit, not quite word for word, but very close to it. By **MARCH 7 AT NOON**, each side will please submit a memorandum up to **SEVEN PAGES** (no attachments, no footnotes) identifying anything that should be added or subtracted from that fair-use opinion in formulating that part of the jury instructions. The memorandum should also address whether any appeal in this retrial will go to the Ninth Circuit versus the Federal Circuit and cite to jurisdictional authorities on point.

Also, by **FEBRUARY 29 AT NOON**, counsel will please advise the Court concerning their proposed plan for disseminating and collecting the jury questionnaire, what instructions the judge would give prior to having potential jurors complete the questionnaire, and what delays would be involved in this plan. Additionally, will both sides agree that answers to the questionnaire will not later be used to impeach the verdict?

Dated: February 26, 2016.

  
WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE