

United States District Court
For the Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 RE OPPOSITION
TO MOTION *IN LIMINE***

In its opposition to Google’s motion *in limine* seeking to exclude portions of the testimony and report of James Malackowski, Oracle shall please itemize all specific evidence it intends to present at trial establishing the threshold showing required of copyright plaintiffs by our court of appeals in *Polar Bear Productions, Inc. v. Timex Corp.*, 384 F.3d 700 (9th Cir. 2004), and *Mackie v. Rieser*, 296 F.3d 909 (9th Cir. 2002), in order to recover indirect profits of the infringer. If needed, the Court will be generous in allowing extra pages.

Dated: April 3, 2016.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE