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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.

**ORDER PARTIALLY
GRANTING AND PARTIALLY
DENYING LEAVE TO FILE
MOTION FOR SUMMARY
JUDGMENT ON INDIRECT
INFRINGEMENT**

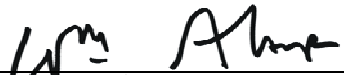
Defendant requests leave to file a motion for partial summary judgment regarding plaintiff's allegations of indirect infringement under 35 U.S.C. 271(c) and 35 U.S.C. 271(f) (Dkt. No. 312). Plaintiff opposes defendant's request (Dkt. Nos. 321, 323). Having considered the submissions from both sides, the request is **GRANTED IN PART AND DENIED IN PART**.

As to the allegations under 35 U.S.C. 271(f), the request is **GRANTED**. The motion must be filed by **SEPTEMBER 8, 2011**, and it must be noticed for a hearing on the normal 35-day track. The brief, opposition, and reply brief each may be no more than ten pages. Plaintiff's counsel state that "it may be possible for the parties to resolve the 271(f) issue without judicial intervention" (Dkt. No. 323). Plaintiff's counsel remain free to negotiate a resolution of this issue, but in the meantime, defendant may file its motion.

As to the allegations under 35 U.S.C. 271(c), the request is **DENIED**. The proposed motion directed at those allegations does not appear likely to materially narrow the issues for trial. This denial is without prejudice to the same non-infringement arguments being raised at trial.

IT IS SO ORDERED.

Dated: August 19, 2011.


WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

United States District Court
For the Northern District of California