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 ORACLE AMERICA, INC.

19 UNITED STATES DISTRICT COURT
 20 NORTHERN DISTRICT OF CALIFORNIA
 21 SAN FRANCISCO DIVISION

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

Case No. CV 10-03561 WHA
**[PROPOSED] ORDER GRANTING ORACLE
 AMERICA, INC.'S MOTION TO DISMISS
 DEFENDANT'S INVALIDITY
 COUNTERCLAIMS AND STRIKE CERTAIN
 AFFIRMATIVE DEFENSES AND IMPERTINENT
 MATTER**
 Date: December 2, 2010
 Time: 8:00 am
 Dept.: Courtroom 9, 19th Floor
 Judge: Honorable William H. Alsup

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Oracle America’s Motion to Dismiss Defendant’s Invalidity Counterclaims and Strike Certain Affirmative Defenses and Impertinent Matter came for a hearing on December 2, 2010 before the Honorable William H. Alsup. The Court, having considered the papers filed in support of and in opposition to the motion, the arguments presented at the hearing, and other matters relevant to the determination of the motion, hereby GRANTS the motion to dismiss and strike.

IT IS SO ORDERED, Defendant Google, Inc.’s counterclaims for declaratory judgment of invalidity (Counts 2, 4, 6, 8, 10, 12, and 14 of Google’s counterclaims) are DISMISSED; and its Second, Third, Fourth, Fifth, Seventh, Ninth, Eleventh, Twelfth, and Thirteenth Affirmative Defenses, and paragraphs 7 through 22 of the Factual Background section of its Counterclaims are STRICKEN.

Dated: _____ 2010

Honorable William H. Alsup
United States District Court Judge