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15 **UNITED STATES DISTRICT COURT**  
 16 **NORTHERN DISTRICT OF CALIFORNIA**  
 17 **SAN FRANCISCO DIVISION**

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 20 ORACLE AMERICA, INC.  
 21 Plaintiff,  
 22 v.  
 23 GOOGLE INC.  
 24 Defendant.

Case No. 3:10-cv-03561-WHA

Honorable Judge William H. Alsup

**[PROPOSED] ORDER DENYING  
 ORACLE’S MOTION TO DISMISS  
 DEFENDANT’S INVALIDITY  
 COUNTERCLAIMS AND STRIKE  
 CERTAIN AFFIRMATIVE DEFENSES  
 AND IMPERTINENT MATTER**

Date: December 2, 2010  
 Time: 8:00 a.m.  
 Dept.: Courtroom 9, 19<sup>th</sup> Floor

1 Oracle America, Inc.'s Motion To Dismiss Defendant's Invalidation Counterclaims And  
2 Strike Certain Affirmative Defenses And Impertinent Matter came for a hearing on December 2,  
3 2010. The Court, having considered the papers filed in support of and in opposition to the  
4 motion, the arguments presented at the hearing, and other matters relevant to the determination  
5 of Oracle America's motion, hereby DENIES the motion.

6 IT IS THEREFORE ORDERED that Plaintiff Oracle America Inc.'s Motion To Dismiss  
7 Defendant's Invalidation Counterclaims And Strike Certain Affirmative Defenses And Impertinent  
8 Matter is DENIED.

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Dated: \_\_\_\_\_, 2010

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William H. Alsup  
United States District Judge