

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.

**ORDER REGARDING
FEBRUARY 8 JOINT LETTER**

GOOGLE INC.,
Defendant.

The parties have a discovery dispute arising from Dr. Ian Cockburn’s third damages report. In his report, Dr. Cockburn stated that he “consulted with Dr. Mark Reinhold . . . and with other Java engineers employed by Sun and now Oracle” in order to rank the importance of the intellectual property in the 2006 license bundle. Dr. Cockburn named four individuals as the “other Java engineers” in his report.

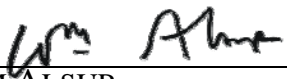
Google seeks to depose these “other Java engineers.” Oracle opposes and argues that only Dr. Reinhold should be deposed. Oracle explains that only Dr. Reinhold provided information to Dr. Cockburn and the “consulted with . . . other Java engineers” phrase was unfortunately the result of a “drafting error.” Oracle explains that these other engineers only assisted Dr. Reinhold, did not directly speak with Dr. Cockburn, and are not expected to testify at trial.

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

Google is hereby allowed to depose (and Oracle must make available without subpoena) Dr. Reinhold and the four “other Java engineers” for a total of 14 hours of “airtime,” *i.e.*, not counting breaks, all depositions to occur over the course of two days unless counsel agree otherwise. Oracle must produce at the depositions any materials used by the deponent in supplying information to the expert or to Dr. Reinhold on the subjects at issue. Google may allocate the 14 hours as it wishes among the five deponents, in any sequence Google wishes, and may choose to eliminate one or more deponents without prejudice to its full 14 hours of “air time.”

IT IS SO ORDERED.

Dated: February 9, 2012.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE