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[counsel listed on signature page]

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.,  
  
Plaintiff,  
  
v.  
  
GOOGLE INC.,  
  
Defendant.

Case No. 3:10-cv-03651 WHA

**JOINT STATEMENT REGARDING  
INTRODUCTION OF DR. JAMES KEARL  
TO THE JURY**

Dept.: Courtroom 8, 19<sup>th</sup> Floor  
Judge: Hon. William Alsup

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Pursuant to the Court’s request at the March 28, 2012 pretrial hearing, the parties have met and conferred regarding the introduction of Dr. Kearl to the jury. The parties, as well as Dr. Kearl, agree that Dr. Kearl should be introduced to the jury as follows:

“Dr. Kearl is an independent expert who was not retained by either party, but was appointed by the Court to testify in this case. The Court has ordered that his fees are to be paid by both Oracle and Google. You should consider his testimony in the same way that you would any other witness’s.”

1 Dated: March 30, 2012

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**ATTESTATION**

I, Robert A. Van Nest, am the ECF User whose ID and password are being used to file this JOINT STATEMENT REGARDING INTRODUCTION OF DR. JAMES KEARL TO THE JURY. In compliance with General Order 45, X.B., I hereby attest that Steven C. Holtzman and John L. Cooper concurred in this filing.

Date: March 30, 2012

/s/ Robert A. Van Nest