

1 MORRISON & FOERSTER LLP
 MICHAEL A. JACOBS (Bar No. 111664)
 2 mjacobs@mofo.com
 MARC DAVID PETERS (Bar No. 211725)
 3 mdpeters@mofo.com
 755 Page Mill Road
 4 Palo Alto, CA 94304-1018
 Telephone: (650) 813-5600 / Facsimile: (650) 494-0792

5 BOIES, SCHILLER & FLEXNER LLP
 6 DAVID BOIES (Admitted *Pro Hac Vice*)
 dboies@bsfllp.com
 7 333 Main Street
 Armonk, NY 10504
 8 Telephone: (914) 749-8200 / Facsimile: (914) 749-8300
 STEVEN C. HOLTZMAN (Bar No. 144177)
 9 sholtzman@bsfllp.com
 1999 Harrison St., Suite 900
 10 Oakland, CA 94612
 Telephone: (510) 874-1000 / Facsimile: (510) 874-1460

11 ORACLE CORPORATION
 12 DORIAN DALEY (Bar No. 129049)
 dorian.daley@oracle.com
 13 DEBORAH K. MILLER (Bar No. 95527)
 deborah.miller@oracle.com
 14 MATTHEW M. SARBORARIA (Bar No. 211600)
 matthew.sarboraria@oracle.com
 15 500 Oracle Parkway
 Redwood City, CA 94065
 16 Telephone: (650) 506-5200 / Facsimile: (650) 506-7114

17 *Attorneys for Plaintiff*
 ORACLE AMERICA, INC.

18
 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

**DECLARATION OF MARC DAVID
 PETERS IN SUPPORT OF
 ORACLE'S OPENING CLAIM
 CONSTRUCTION BRIEF**

Dept.: Courtroom 9, 19th Floor
 Judge: Honorable William H. Alsup
 Tutorial: April 6, 2011, 1:30 p.m.
 Hearing: April 20, 2011, 1:30 p.m.

1 I, Marc David Peters, declare as follows:

2 I am a partner at Morrison & Foerster LLP and am counsel of record to Plaintiff Oracle
3 America, Inc. I have personal knowledge of the matters set forth herein and, if called to testify,
4 could and would testify competently to the following.

5 1. Attached hereto as Exhibit 1 is a true and correct copy of a Patent Examiner
6 Interview Summary dated October 13, 1999 from the prosecution history of U.S. Patent No.
7 6,061,520.

8 2. Attached hereto as Exhibit 2 is a true and correct copy an Amendment dated
9 October 18, 1999 from the prosecution history of U.S. Patent No. 6,061,520.

10 3. Attached hereto as Exhibit 3 is a true and correct copy of relevant pages from the
11 MICROSOFT PRESS COMPUTER DICTIONARY (2d ed. 1994) and WEBSTER'S NEW WORLD
12 DICTIONARY OF COMPUTER TERMS (5th ed. 1994).

13 4. Attached hereto as Exhibit 4 is a true and correct copy of original claims as filed in
14 U.S. Patent Application No. 07/994,655, the original application for U.S. Patent No. RE38,104.

15 5. Attached hereto as Exhibit 5 is a true and correct copy of Section 2106.01 from the
16 MANUAL OF PATENT EXAMINING PROCEDURE § 2106.01, 8th Edition, Revision 6, dated
17 September 2007. This section remains unchanged in the current edition of the MPEP, 8th
18 Edition, Revision 8 (July 2010).

19 6. Attached hereto as Exhibit 6 is a true and correct copy of a Reissue Application
20 Declaration and Power of Attorney by Inventor of James Gosling, dated November 19, 1996,
21 from the prosecution history of U.S. Patent No. RE38,104.

22 7. Attached hereto as Exhibit 7 is a true and correct copy of the Examination
23 Guidelines for Computer-Related Inventions dated February 28, 1996, available at
24 www.uspto.gov/web/offices/pac/dapp/pdf/ciig.pdf.

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