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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

11 ORACLE AMERICA, INC.

12 Plaintiff,

13 v.

14 GOOGLE INC.

15 Defendant.

CASE NO. CV 10-03561 WhA

**STIPULATION AND [PROPOSED]
ORDER TO EXTEND TIME FOR
FILING UNDER SEAL AND GRANT
GOOGLE LEAVE TO FILE A
REVISED DECLARATION**

Dept.: Courtroom 8, 19th Floor
Judge: Honorable William Alsup

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STIPULATION

WHEREAS, on April 2, 2012 Oracle America, Inc. (“Oracle”) filed an Administrative Motion to File Under Seal Portions of Oracle’s Motion to Exclude Portions of the Rule 706 Expert Report of Dr. James Kearl [Dkt. No. 849]; and

WHEREAS, some of the material that Oracle moved to seal was material that Google Inc. (“Google”) designated Confidential or Highly Confidential – Attorneys’ Eyes Only; and

WHEREAS, on April 9, 2012 Google submitted a declaration in support of Oracle’s Administrative Motion to File Under Seal [Dkt. No. 886], identifying parts of Oracle’s filings that contained highly sensitive financial information, including non-public costs, revenues, and profits; and

WHEREAS, on April 17, 2012 the Court granted the parts of Oracle’s Administrative Motion to File Under Seal that were identified by Google as containing such highly-sensitive financial information, including non-public costs, revenues and profits [Dkt. No. 935]; and

WHEREAS, on April 22, 2012, Google’s counsel became aware, after discussions with Oracle’s counsel, that Google’s counsel had inadvertently excluded from its supporting declaration certain parts of Oracle’s filings that contained the same highly-sensitive financial information, including non-public costs, revenues and profits that the Court concluded should be filed under seal; and

WHEREAS, pursuant to local rules, the deadline for publicly filing documents ruled on in the Court’s April 17, 2012 Order is currently April 23, 2012.

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NOW THEREFORE THE PARTIES HEREBY STIPULATE AND AGREE that:

1. Google shall be granted leave to file a revised Declaration in Support of Oracle America, Inc.’s Administrative Motion to File Under Seal Portions of Oracle’s Motion to Exclude Portions of the Rule 706 Expert Report of Dr. James Kearl.
2. Oracle may file under seal the portions of its filings identified in Google’s revised Declaration.
3. The deadline for public filing of these materials, and the other materials identified in the Court’s April 17, 2012 Order [Dkt. No. 935], shall be extended to April 30, 2012.

[PROPOSED] ORDER

The foregoing stipulation is approved, and IT IS SO ORDERED.

Date: _____

Honorable William Alsup
Judge of the United States District Court

1
2 Dated: April 23, 2012

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ATTESTATION

I, Daniel Purcell, am the ECF User whose ID and password are being used to file this STIPULATION AND [PROPOSED] ORDER TO EXTEND TIME FOR FILING UNDER SEAL AND GRANT GOOGLE LEAVE TO FILE A REVISED DECLARATION. In compliance with General Order 45, X.B., I hereby attest that Meredith Dearborn has concurred in this filing.

Date: April 23, 2012

/s/ Daniel Purcell
DANIEL PURCELL