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6 IN THE UNITED STATES DISTRICT COURT  
7  
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
9

10 ORACLE AMERICA, INC.,

11 Plaintiff,

12 v.

13 GOOGLE INC.,

14 Defendant.  
15 \_\_\_\_\_/

No. C 10-03561 WHA

**ORDER REGARDING  
PROPOSED FINDINGS OF FACT  
AND CONCLUSIONS OF LAW RE  
ALL ISSUES OF FACT AND LAW  
THAT MUST BE RESOLVED BY  
THE JUDGE, INCLUDING SCOPE  
OF PROTECTION OF THE  
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16 By NOON ON THE SECOND BUSINESS DAY following the close of evidence in Phase One,  
17 both sides shall file proposed findings of fact, each identified by number as to any issue of fact  
18 that is for the judge to resolve. Each proposed finding should be concise and limited to one or  
19 two or (at most) three lines of text (exclusive of any block quotes from trial exhibits) followed  
20 by exact trial record cites fully supporting the proposed finding. The proposals should be at a  
21 level of specificity/generality so as to fit within the page limit set forth below. As a rule of  
22 thumb, less controverted subjects may be captured in more generalized proposed findings; more  
23 controversial subjects, however, usually require greater specificity and more proposed findings.  
24 Block quotes and record cites may be single-spaced (and indented) but otherwise the proposals  
25 should be double-spaced. Example:

- 26 1. When defendant went through the intersection of  
27 Hayes and Gough, the light was red in his direction.

28 Jones at RT 97:1–3  
Young at RT 15:11–12

1 The same submission should also set forth each proposed conclusion of law. Each  
2 proposed conclusion of law must briefly identify the proposed findings of fact supporting the  
3 conclusion *and* the legal authority therefor (quoting the key language of said authority). The  
4 overall length of the submission must be 35 pages or less.

5 By **NOON THREE CALENDAR DAYS LATER**, the opposing side must file and serve a  
6 response. The response must state, separately as to each proposed finding, whether the  
7 responding party agrees with the proposed finding and if not in full agreement, then the full  
8 extent to which, considering the duty of good faith and candor, the responding party admits the  
9 proposed finding. To the extent that the responding side objects in any respect to the proposed  
10 finding, it must state (i) the extent to which the opposition is based on a failure of the record  
11 cites to support the proposal (explaining why they do not support it) and (ii) the extent to which  
12 the objection is based on contrary evidence (citing the contrary evidence) or lack of credibility  
13 (citing relevant evidence). Example:

14 1. Agree that the light was red but the light had just  
15 changed a split second before.

16 Mack RT 42:17–18

17 The submission shall similarly state the extent to which the responding party agrees with  
18 each conclusion of law proposed by the other side. If there is any disagreement, the responding  
19 side must state (i) the extent to which the disagreement is based on a failure of the supporting  
20 findings, (ii) the extent to which the disagreement is based on a failure of the cited authorities to  
21 support the conclusion, and (iii) the extent to which contrary authorities contradict the legal  
22 basis for the proposed conclusion.

23 The responding submission should reproduce each original finding or conclusion and  
24 then, immediately after each, supply the responsive information. It may not exceed twice the  
25 overall number of pages used by the submission to which it responds.

26 **IT IS SO ORDERED.**

27 Dated: April 24, 2012.

28   
WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE