

1 LATHAM & WATKINS LLP
 Christopher S. Yates (SBN 161273)
 2 Christopher B. Campbell (SBN 254776)
 Meaghan P. Thomas-Kennedy (SBN 303578)
 3 505 Montgomery Street, Suite 2000
 San Francisco, California 94111-6538
 4 Telephone: 415.391.0600
 Facsimile: 415.395.8095
 5 Email: chris.yates@lw.com
christopher.campbell@lw.com
 6 meaghan.thomas-kennedy@lw.com

7 ORACLE CORPORATION
 Dorian Daley (SBN 129049)
 8 Deborah K. Miller (SBN 95527)
 500 Oracle Parkway
 9 M/S 5op7
 Redwood City, CA 94065
 10 Telephone: 650.506.4846
 Facsimile: 650.506.7114
 11 Email dorian.daley@oracle.com
deborah.miller@oracle.com

ORACLE CORPORATION
 Jeffrey S. Ross (SBN 138172)
 10 Van de Graaff Drive
 Burlington, MA 01803
 Telephone: 781.744.0449
 Facsimile: 781.238.6273
 Email: jeff.ross@oracle.com
 Attorneys for Plaintiffs
 Oracle America, Inc., and Oracle
 International Corporation

14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA
 16 SAN FRANCISCO DIVISION

18 ORACLE AMERICA, INC., a Delaware
 corporation; ORACLE INTERNATIONAL
 19 CORPORATION, a California corporation

20 Plaintiffs,

21 v.

22 HEWLETT PACKARD ENTERPRISE
 COMPANY, a Delaware corporation; and DOES
 23 1-50,

24 Defendants.

No. 16-cv-01393-JST

**JOINT STIPULATION AND
 [PROPOSED] ORDER REGARDING
 CASE SCHEDULING**

1 WHEREAS, the Court has not yet set a date for the initial case management conference
2 in the above-captioned action;

3 WHEREAS, on April 29, 2016, Defendant Hewlett-Packard Enterprise Co. (“HPE”) filed
4 a Motion To Dismiss, Dkt. No. 34 (“Motion to Dismiss”), and noticed the Motion to Dismiss for
5 hearing on June 30, 2016;

6 WHEREAS, on May 2, 2016, HPE filed an Administrative Motion to Schedule Case
7 Management Conference, Dkt. No. 37 (“Administrative Motion”);

8 WHEREAS, HPE and Plaintiffs Oracle America, Inc. and Oracle International
9 Corporation (collectively, “Oracle”) have further met and conferred regarding HPE’s
10 Administrative Motion, a date for the parties’ conference pursuant to Federal Rule of Civil
11 Procedure 26(f), and the hearing date for HPE’s Motion to Dismiss;

12 NOW, THEREFORE, the parties hereby stipulate, and ask the Court to order, as follows:

- 13 1. HPE’s Administrative Motion, Dkt. No. 37, is hereby withdrawn, without
14 prejudice to HPE refiling the Administrative Motion if this stipulation is not
15 accepted by the Court.
- 16 2. The parties shall hold their Rule 26(f) conference on May 31, 2016, at a time to be
17 agreed upon between the parties.
- 18 3. The deadline for Oracle’s opposition to HPE’s Motion to Dismiss shall be
19 extended to May 24, 2016. The deadline for HPE’s reply in support of its Motion
20 to Dismiss shall be extended to June 10, 2016.
- 21 4. HPE’s Motion To Dismiss shall be reset for hearing on July 14, 2016 at 2:00 p.m.
- 22 5. The initial case management conference shall be set either for July 14, 2016 (to
23 occur after the hearing on HPE’s Motion to Dismiss) ~~or, if the Court is not~~
24 ~~available to conduct the two proceedings on that date, for the first available case~~
25 ~~management conference date after June 17, 2016.~~

1 Dated: May 5, 2016

LATHAM & WATKINS LLP

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3 By: /s/ Christopher S. Yates
4 Christopher S. Yates
5 Attorneys for Plaintiffs
6 Oracle America, Inc. and
7 Oracle International Corporation

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GIBSON, DUNN & CRUTCHER LLP

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8 By: /s/ Blaine H. Evanson
9 Blaine H. Evanson
10 Attorneys for Defendant
11 Hewlett Packard Enterprise Company.

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

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Dated: May 6, 2016

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