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42 EMEA Limited, and Siebel Systems, Inc.

43 UNITED STATES DISTRICT COURT  
44 NORTHERN DISTRICT OF CALIFORNIA  
45 OAKLAND DIVISION

46 ORACLE USA, INC., *et al.*,  
47 Plaintiffs,  
48 v.  
49 SAP AG, *et al.*,  
50 Defendants.

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SAP AG, SAP AMERICA, INC., and  
TOMORROWNOW, INC.

**FILED**

JUN 25 2010

**RICHARD W. WIEKING**  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

1 Plaintiffs Oracle USA, Inc., Oracle International Corporation, Oracle EMEA  
2 Limited, and Siebel Systems, Inc. (collectively, "Plaintiffs") and Defendants SAP AG, SAP  
3 America, Inc., and TomorrowNow, Inc. (collectively, "Defendants," and all together with  
4 Plaintiffs, the "Parties"), jointly file this Stipulation and [Proposed] Order Withdrawing  
5 Defendants' Objections to the Declaration of Brady Mickelsen.

6 WHEREAS, on March 3, 2010, Plaintiffs filed a Motion for Partial Summary  
7 Judgment (Dkt. No. 649), including the Declaration of Brady Mickelsen (Dkt. No. 653) in  
8 support thereof.

9 WHEREAS, on March 31, 2010, Defendants filed Objections to Evidence Filed in  
10 Support of Plaintiffs' Motion for Partial Summary Judgment ("Objections") (Dkt. No. 672),  
11 including objections to certain portions of the Declaration of Brady Mickelsen. Objections at pp.  
12 4-5.

13 WHEREAS, the Parties have resolved Defendants' objections to the Declaration  
14 of Brady Mickelsen, and Defendants have agreed to withdraw those objections.

15 ACCORDINGLY, the Parties, through their respective attorneys of record,  
16 stipulate and ask the Court to order as follows:

17 Defendants' objections to the Declaration of Brady Mickelson filed in support of  
18 Plaintiffs' Motion for Partial Summary Judgment, as set forth at pages 4-5 of Defendants'  
19 Objections, are hereby withdrawn and moot.

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21 DATED: June 24, 2010

BINGHAM McCUTCHEN LLP

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By: /s/ Geoffrey M. Howard  
Geoffrey M. Howard  
Attorneys for Plaintiffs  
Oracle USA, Inc., Oracle International  
Corporation, Oracle EMEA Limited, and  
Siebel Systems, Inc.

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1           In accordance with General Order No. 45, Rule X, the above signatory attests that  
2 concurrence in the filing of this document has been obtained from the signatory below.

3 DATED: June 24, 2010

JONES DAY

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By: \_\_\_\_\_ /s/ Jason McDonell

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Jason McDonell

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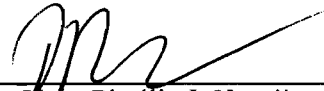
Attorneys for Defendants  
SAP AG, SAP America, Inc., and  
TomorrowNow, Inc.

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8 **PURSUANT TO THE PARTIES' STIPULATION, IT IS SO ORDERED.**

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10 DATED: \_\_\_\_\_

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Hon. Phyllis J. Hamilton  
United States District Court Judge

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