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 ORACLE USA, INC., *et al.*

20 UNITED STATES DISTRICT COURT
 21 NORTHERN DISTRICT OF CALIFORNIA
 22 OAKLAND DIVISION

23 ORACLE USA, INC., et al.,

24 Plaintiffs,

25 v.

26 SAP AG, et al.,

27 Defendants.
 28

Case No. 07-CV-1658 PJH (EDL)

**STIPULATION AND [PROPOSED]
 ORDER TO EXTEND TIME TO
 COMPLY WITH PORTIONS OF PRE-
 TRIAL ORDER REGARDING UNDER
 SEAL REQUESTS AND PRE-MARKED
 EXHIBITS**

1 Pursuant to Civil Local Rule 6-3, Plaintiffs Oracle USA, Inc., Oracle International
2 Corporation, Oracle EMEA Limited, and Siebel Systems, Inc. (“Plaintiffs”) and Defendants SAP
3 AG, SAP America, Inc., and TomorrowNow, Inc. (together with Plaintiffs, the “Parties”) hereby
4 submit this agreed-upon stipulation to extend time for the Parties to comply with the Court’s June
5 11, 2009 Stipulated Revised Case Management and Pre-Trial Order (“June 11, 2009 Order”) to
6 file any request regarding the treatment of confidential or sealed documents (“under seal
7 requests”), to submit pre-marked exhibits to the Court, and to exchange pre-marked exhibits.

8 The June 11, 2009 Order sets August 5, 2010 as the deadline to (1) file under seal requests,
9 (2) submit pre-marked exhibits to the Court, and (3) exchange pre-marked exhibits.

10 The Parties jointly request that the Court extend the deadline to file under seal requests for
11 documents identified in the Parties’ August 5, 2010 disclosures to August 26, 2010. This
12 extension allows the Parties an opportunity to review all documents and information disclosed on
13 August 5, 2010 in accordance with the Court’s June 11, 2009 Order. The Parties believe that
14 granting the requested extension promotes efficient case management, as the Parties would only
15 file their under seal requests after, rather than prior to, having the benefit of full disclosure of the
16 documents and information that will be offered as evidence in the other side’s case in chief.

17 The Parties further jointly request that the Court extend the deadline to submit pre-marked
18 exhibits to the Court to 7 calendar days after the Court has ruled on the Parties’ under seal
19 requests. The Parties believe that this extension of time avoids burdening the Court with requests
20 to hold certain documents, for which special treatment is requested, *in camera* while the Court
21 considers the requests.

22 The Parties also jointly request permission to submit pre-marked exhibits to the Court in
23 electronic, rather than hard copy, format. The Parties believe that submission of electronic
24 exhibits avoids burdening the Court with potentially voluminous hard-copy exhibits.

25 Finally, the Parties jointly request that the Court grant a 5 calendar-day extension of the
26 deadline to exchange pre-marked exhibits to August 10, 2010. In light of the potential volume of
27 exhibits to be exchanged, the Parties believe that this extension of time is necessary to allow the
28 Parties adequate time to process and pre-mark exhibits disclosed on August 5, 2010 in accordance

1 with the Court's June 11, 2009 Order.

2 This requested extension does not impact any other portion of the current case schedule,
3 including the current November 1, 2010 trial date. The only purpose of this requested extension
4 is to extend the deadlines noted above, and thus this requested extension shall not in any way
5 affect any other rights or obligations of the Parties.

6

7 DATED: July 19, 2010

JONES DAY

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By: /s/ Tharan Gregory Lanier

9

10 Tharan Gregory Lanier
11 Attorneys for Defendants
12 SAP AG, SAP America, Inc., and
13 TomorrowNow, Inc.

12

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

15

16 DATED: July 19, 2010

BINGHAM McCUTCHEN LLP

17

By: /s/ Zachary Alinder

18

19 Zachary Alinder
20 Attorneys for Plaintiffs
21 Oracle USA, Inc., Oracle International
22 Corporation, Oracle EMEA Limited, and
23 Siebel Systems, Inc.

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23 **IT IS SO ORDERED.**

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26 DATED: July 21, 2010

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Phyllis J. Hamilton
United States District Judge