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12 UNITED STATES DISTRICT COURT  
 13 NORTHERN DISTRICT OF CALIFORNIA  
 14 OAKLAND DIVISION

15 ORACLE AMERICA, INC.,  
 16 Plaintiff,

17 v.

18 MICRON TECHNOLOGY, INC. and  
 19 MICRON SEMICONDUCTOR PRODUCTS,  
 INC.,  
 20 Defendants.

Case No. 10-cv-04340 PJH

**STIPULATION AND [PROPOSED]  
 ORDER REGARDING PROCEDURE  
 FOR STIPULATION OF  
 AUTHENTICITY AND ADMISSIBILITY  
 OF DOCUMENTS**

Hon. Phyllis J. Hamilton

22  
 23 Plaintiff and Defendants, through their undersigned counsel, hereby stipulate and move  
 24 the Court to enter as an Order, the following agreement with regard to a procedure for the  
 25 stipulation of documents as authentic pursuant to Fed. R. Evid. 901 and for evidentiary  
 26 foundation required for the admissibility of documents, including as business records pursuant  
 27 to Fed. R. Evid. 803(6).  
 28

1           WHEREAS, the Parties believe that it will promote the efficient conduct of this  
2 litigation to meet and confer and attempt to reach agreement, where possible, regarding the  
3 authenticity and admissibility of documents that the Parties may wish to introduce in  
4 connection with summary judgment motions or at trial, and

5           WHEREAS, the Parties agree that the process of conferring regarding the authenticity  
6 and admissibility of such documents may continue after the close of the fact discovery period,

7           THEREFORE, the undersigned counsel for the Parties hereby STIPULATE and  
8 AGREE as follows:

9           1.       Following the close of fact discovery on December 16, 2011, the parties shall  
10 continue to meet and confer in an effort to reach agreement concerning the authenticity and the  
11 evidentiary foundation required for the admissibility of documents produced by the parties and  
12 third parties in the course of this proceeding;

13           2.       In the event that the parties are unable to agree whether particular documents  
14 produced by either of the Parties will be stipulated to as authentic or admissible, counsel for  
15 each Party shall have the right to take a deposition of an appropriate representative of the other  
16 Party, such as a document custodian pursuant to Fed. R. Civ. P. 30(b)(6), and inquire regarding  
17 whether particular documents meet the foundational requirements to qualify as authentic and  
18 admissible, without regard to the presumptive limit on the number or length of depositions  
19 provided by the Federal Rules of Civil Procedure;

20           3.       Notwithstanding the Scheduling Order in place in this matter, such depositions  
21 may take place at any time prior to the date on which the Final Pretrial Order is entered, or  
22 whenever a final list of trial exhibits is due, whichever is later.

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**[PROPOSED] ORDER**

Based upon the stipulation of the parties and for good cause shown, the foregoing is hereby SO ORDERED:

DATED: 11/18/11

