

JEFFREY M. SHOHET, Bar No. 067529  
jeffrey.shohet@dlapiper.com  
CHRISTOPHER J. BEAL, Bar No. 216579  
cris.beal@dlapiper.com  
AMANDA C. FITZSIMMONS, Bar No. 258888  
amanda.fitzsimmons@dlapiper.com  
DLA PIPER LLP (US)  
401 B Street, Suite 1700  
San Diego, CA 92101-4297  
Tel: 619.699.2700  
Fax: 619.699.2701

Attorneys for Plaintiff  
Oracle America, Inc.

GEOFFREY M. EZGAR, Bar No. 184243  
gezgar@kslaw.com  
KING & SPALDING LLP  
101 Second Street  
Suite 2300  
San Francisco, CA 94105  
Telephone: (415) 318-1200  
Facsimile: (415) 318-1300

Attorney for Defendant  
Myriad Group AG

[Additional Counsel Appear on Signature Pages]

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

ORACLE AMERICA, INC.,  
  
Plaintiff,  
  
v.  
  
MYRIAD GROUP AG,  
  
Defendant.

CASE NO. 10-CV-5604-SBA

**STIPULATION AND REQUEST TO  
MODIFY DEADLINES SET FORTH IN  
ORDER SETTING INITIAL CASE  
MANAGEMENT CONFERENCE AND  
ADR DEADLINES**

1 On December 10, 2010, Oracle America, Inc. (“Oracle”) filed the instant complaint  
2 against Myriad Group A.G. (“Myriad”). Later that day, Myriad filed a complaint against Oracle  
3 in the United States District Court, District of Delaware (the “Delaware Action”). *See Myriad*  
4 *Group AG v. Oracle America, Inc.*, Case No. 10-1087 (D.C. Del. Dec. 10, 2010). Oracle believes  
5 that the actions are related and on January 3, 2011, filed a motion pursuant to the first-to-file rule  
6 and 28 U.S.C. § 1404(a) in the Delaware District Court requesting that the District of Delaware  
7 dismiss Myriad’s Complaint with leave for Myriad to replead it in this action, or transfer the  
8 Delaware Action to this Court for consolidation with this action as soon as practicable. Also on  
9 January 3, 2011, Myriad filed in this action a motion to dismiss Oracle’s Complaint and/or quash  
10 service of process alleging the service of process is invalid or, in the alternative, for an order  
11 staying this action and compelling arbitration on the ground that Oracle’s claims are governed by  
12 an arbitration clause. On January 4, 2011, Myriad filed a motion in the Delaware action, seeking  
13 a preliminary injunction ordering Oracle to provide access to some of the materials subject to the  
14 disputed licenses during the pendency of the litigation.

15 The parties believe a resolution of Oracle’s venue motion and Myriad’s motion to dismiss  
16 or stay this California action are appropriate to define the issues to be tried in this Court and the  
17 scope of discovery before proceeding with the matters covered by this stipulation. For these  
18 reasons, the parties, pursuant to N.D. Cal. Civil L.R. 7-12 and 16-2, hereby stipulate and  
19 respectfully request that the Court enter an order modifying the initial case management  
20 conference schedule and ADR deadlines as follows:

21 1. The parties need not take any of the following actions, which currently are  
22 required on or before January 11, 2011, until the later of (i) 14 days after this Court’s decision on  
23 Myriad’s Motion to Dismiss or Stay this action; and (ii) 14 days after the Delaware court’s  
24 decision on Oracle’s motion to dismiss or transfer the Delaware action:

- 25 (a) Meet and confer regarding initial disclosures, early settlement, ADR  
26 process selection, and a discovery plan;
- 27 (b) File an ADR Certification signed by parties and counsel; and
- 28 (c) File either a Stipulation or ADR Process or a Notice of Need for ADR

1 Phone Conference.

2 2. The parties need not take any of the following actions, which currently are  
3 required on or before January 25, 2011, until 30 days after the entry of the last filed of the orders  
4 identified in the preceding paragraph:

5 (a) File a Rule 26(f) Report;

6 (b) Complete initial disclosures or state objections; and

7 (c) File a Case Management Statement.

8 3. The parties request that the Court continue the initial case management conference  
9 in this matter, currently set for April 21, 2011 at 3:30 p.m., until a date to be set by the Court, but  
10 no earlier than 60 days after the entry of the last filed of the orders identified in paragraph 1,  
11 above.

1 Dated: January 11, 2011

2 DLA PIPER LLP (US)

3  
4 By: /s/ Jeffrey M. Shohet  
Jeffrey M. Shohet, Bar No. 067529  
jeffrey.shohet@dlapiper.com  
5 Christopher J. Beal, Bar No. 216579  
cris.beal@dlapiper.com  
6 Amanda C. Fitzsimmons, Bar No. 258888  
amanda.fitzsimmons@dlapiper.com  
7 401 B Street, Suite 1700  
San Diego, CA 92101-4297  
8 Tel: 619.699.2700  
Fax: 619.699.2701

9  
10 Elizabeth Rogers Brannen, Bar No. 226234  
elizabeth.brannen@oracle.com  
11 500 Oracle Parkway  
Redwood City, CA 94065  
12 Tel: 650.506.5200  
Fax: 650.506.7114

13 Attorneys for Plaintiff  
14 Oracle America, Inc.

1 Dated: January 11, 2011

2 KING & SPALDING LLP

3  
4 By: /s/ Geoffrey M. Ezgar  
Geoffrey M. Ezgar, Bar No. 184243  
gezgar@kslaw.com  
5 101 Second Street  
Suite 2300  
6 San Francisco, CA 94105  
Telephone: (415) 318-1200  
7 Facsimile: (415) 318-1300

8 Kevin R. Sullivan (*Pro Hac Vice Pending*)  
krsullivan@kslaw.com  
9 Timothy J. Sullivan (*Pro Hac Vice*  
*Pending*)  
tjsullivan@kslaw.com  
10 1700 Pennsylvania Ave., NW  
Suite 200  
11 Washington, D.C. 20006-4707  
Telephone: (202) 737-0500  
12 Facsimile: (202) 626-3737

13 Brian White (*Pro Hac Vice Pending*)  
14 bwhite@kslaw.com  
1180 Peachtree Street  
15 Atlanta, GA 30309  
Telephone: (404) 572-4600  
16 Facsimile: (404) 572-5100

17 Attorneys for Defendant  
18 Myriad Group AG


19  
20 PURSUANT TO STIPULATION, IT IS SO ORDERED.

21 IT IS FURTHER ORDERED THAT the Case Management Conference scheduled for  
22 April 21, 2011 is CONTINUED to **June 1, 2011 at 2:30 p.m.** Prior to the date scheduled for  
23 the conference, the parties shall meet and confer and prepare a joint Case Management  
24 Conference Statement. The joint statement shall be filed no later than five (5) days prior  
25 to the conference and shall comply with the Standing Order for All Judges of the Northern  
26 District of California and the Standing Order of this Court. Plaintiff shall be responsible  
27 for filing the statement as well as for arranging the conference call. All parties shall be on  
28 the line and shall call (510) 637-3559 at the above indicated date and time.

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IT IS SO ORDERED.

Date: 1-12-11

  
Hon. Sandra Brown Armstrong  
U.S. District Judge