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 11 Oracle America, Inc.

12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA

15 ORACLE AMERICA, INC.
 16 Plaintiff,

17 v.

18 INNOVATIVE TECHNOLOGY
 19 DISTRIBUTORS LLC
 Defendant.

CASE NO. 5:11-CV-01043-LHK (HRL)

Consolidated for all purposes with
 Case No.: 5:11-cv-02135-LHK

**AMENDED STIPULATION AND ORDER
 RE JUDGMENT ON COMPLAINT**

STIPULATION AND ORDER RE JUDGMENT ON COMPLAINT

Oracle America, Inc. v. Innovative Technology Distributors LLC
 Case No. 5:11-CV-01043-LHK Consolidated for all purposes with

Case No.: 5:11-cv-02135-LHK (HRL)HROSAF81327.1

STIPULATION

WHEREAS, Plaintiff Oracle America, Inc. (“Oracle”) filed its complaint in the United States District Court for the Northern District of California on March 7, 2011 seeking \$19,105,396 in damages from Defendant Innovative Technology Distributors, LLC (“ITD”); and

WHEREAS, the Complaint seeks those damages through claims for breach of contract, goods sold and delivered, and account stated; and

WHEREAS, Oracle filed a motion for summary judgment on its claims, and sought a slightly reduced damages award of \$19,103,621, and the Court indicated during oral argument on Oracle’s summary judgment motion on August 23, 2012 that Oracle’s motion would be granted with respect to at least \$18,121,140 of the amount claimed by Oracle, and instructed the parties to confer to see if a resolution could be reached regarding the remaining \$982,481; and

WHEREAS, in the Court’s Case Management Order dated August 27, 2012, the Court instructed that the parties file a stipulation if they reached such a resolution;

IT IS HEREBY STIPULATED AND AGREED AMONG THE PARTIES, subject to the order of this Court that:

1. Judgment shall be entered in favor of Oracle on each of the claims asserted in Case Number 5:11-CV-01043 LHK in the amount of \$19,103,621; and

2. The Court shall stay execution of the judgment until after the conclusion of the trial scheduled to begin on October 1, 2012, of the ITD claims that may remain in the action. The stay does not include any post-trial motions and appeals, but the parties reserve their rights to seek a further stay at the appropriate time at the conclusion of the trial; and

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3. This agreement is exclusive of, and without waiver or release of, Oracle's right to pursue interest and any other costs, if any, which the parties agree shall be decided separately at a later date.

Respectfully submitted,

Dated: September 4, 2012

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By: /s/ Robert S. Friedman

Robert S. Friedman, Esq. (admitted *pro hac vice*)

Attorneys for Plaintiff Oracle America, Inc. and Oracle Corporation

Dated: September 4, 2012

LOWENSTEIN SANDLER PC

By: /s/ Jason Halper

Jason Halper (admitted *pro hac vice*)

Attorneys for Defendants Innovative Technology Distributors LLC

GENERAL ORDER 45 ATTESTATION

I, Meryl Macklin, hereby attest, pursuant to N.D. Cal. General Order No. 45, that concurrence to the filing of this document has been obtained from each signatory hereto.

/s/ Meryl Macklin

Meryl Macklin

Attorneys for Plaintiff Oracle America, Inc.

PURSUANT TO STIPULATION, IT IS SO ORDERED

Dated: September 17, 2012

Lucy H. Koh

The Honorable Lucy H. Koh
United States District Judge