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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

**STIPULATION AND [~~PROPOSED~~] ORDER
 RE JOINT ADMINISTRATIVE MOTION
 TO CONSIDER WHETHER CASES
 SHOULD BE RELATED**

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1 WHEREAS, for all the reasons detailed in the Joint Administrative Motion To
2 Consider Whether Cases Should Be Related (the "Motion") filed herewith, the parties believe that
3 the action styled *Innovative Technology Distributors, LLC v. Oracle America, Inc.* (N.D. Cal. Case
4 No. 3:11-cv-02135 EDL) is properly deemed related to and consolidated with the instant action, and

5 WHEREAS, the parties believe that each party should respond to the other party's
6 operative complaint on Friday May 27, 2011,

7 THEREFORE, the parties hereby stipulate and request entry of an order as follows:

8 1. *Innovative Technology Distributors, LLC v. Oracle America, Inc.* (N.D. Cal.
9 Case No. 3:11-cv-02135 EDL) is hereby deemed "related" to this action pursuant to L.R. 3-12(a);

10 2. The two matters are hereby "consolidated" pursuant to Federal Rule of Civil
11 Procedure 42(a)(2); and

12 3. The parties' responsive pleadings in each of the consolidated actions are due
13 on May 27, 2011.

14 Dated: May 24, 2011

HOLME ROBERTS & OWEN LLP

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16 By: s/ Meryl Macklin

Meryl Macklin

Attorneys for Plaintiff Oracle America, Inc.

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18
19 Dated: May 24, 2011

GCA LAW PARTNERS LLP

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21 By: s/ Jill F. Kopeikin

Jill F. Kopeikin

Attorneys for Defendant Innovative Technology
Distributors LLC.

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23 Attestation: The filer of this document attests that concurrence in the filing of the document has
24 been obtained from each other signatory.

25 **PURSUANT TO STIPULATION, IT IS SO ORDERED**

26 Dated : May 24, 2011

Lucy H. Koh

The Honorable Lucy H. Koh
United States District Judge