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19 UNITED STATES DISTRICT COURT
20 NORTHERN DISTRICT OF CALIFORNIA
21 SAN FRANCISCO DIVISION

22 ORACLE AMERICA, INC.
23 Plaintiff,
24 v.
25 GOOGLE, INC.
26 Defendant.

Case No. CV 10-03561 WHA
**[PROPOSED] ORDER GRANTING ORACLE
AMERICA, INC.'S MOTION TO DISMISS
DEFENDANT'S INVALIDITY
COUNTERCLAIMS AND STRIKE CERTAIN
AFFIRMATIVE DEFENSES AND IMPERTINENT
MATTER**
Date: December 2, 2010
Time: 8:00 am
Dept.: Courtroom 9, 19th Floor
Judge: Honorable William H. Alsup

1 Oracle America's Motion to Dismiss Defendant's Invalidity Counterclaims and Strike
2 Certain Affirmative Defenses and Impertinent Matter came for a hearing on December 2, 2010
3 before the Honorable William H. Alsup. The Court, having considered the papers filed in support
4 of and in opposition to the motion, the arguments presented at the hearing, and other matters
5 relevant to the determination of the motion, hereby GRANTS the motion to dismiss and strike.

6 IT IS SO ORDERED, Defendant Google, Inc.'s counterclaims for declaratory judgment
7 of invalidity (Counts 2, 4, 6, 8, 10, 12, and 14 of Google's counterclaims) are DISMISSED; and
8 its Second, Third, Fourth, Fifth, Seventh, Ninth, Eleventh, Twelfth, and Thirteenth Affirmative
9 Defenses, and paragraphs 7 through 22 of the Factual Background section of its Counterclaims
10 are STRICKEN.

11
12
13 Dated: _____ 2010

Honorable William H. Alsup
United States District Court Judge