

BOIES, SCHILLER & FLEXNER LLP
OAKLAND, CALIFORNIA

MORRISON & FOERSTER LLP
MICHAEL A. JACOBS (Bar No. 111664)
mjacobs@mofo.com
MARC DAVID PETERS (Bar No. 211725)
mdpeters@mofo.com
DANIEL P. MUINO (Bar No. 209624)
dmuino@mofo.com
755 Page Mill Road, Palo Alto, CA 94304-1018
Telephone: (650) 813-5600 / Facsimile: (650) 494-0792

BOIES, SCHILLER & FLEXNER LLP
DAVID BOIES (Admitted *Pro Hac Vice*)
dboies@bsflfp.com
333 Main Street, Armonk, NY 10504
Telephone: (914) 749-8200 / Facsimile: (914) 749-8300
STEVEN C. HOLTZMAN (Bar No. 144177)
sholtzman@bsflfp.com

FRED NORTON (Bar No. 224725)
fnorton@bsflfp.com
1999 Harrison St., Suite 900, Oakland, CA 94612
Telephone: (510) 874-1000 / Facsimile: (510) 874-1460
ALANNA RUTHERFORD (Admitted *Pro Hac Vice*)
575 Lexington Avenue, 7th Floor, New York, NY 10022
Telephone: (212) 446-2300 / Facsimile: (212) 446-2350 (fax)

ORACLE CORPORATION
DORIAN DALEY (Bar No. 129049)
dorian.daley@oracle.com
DEBORAH K. MILLER (Bar No. 95527)
deborah.miller@oracle.com
MATTHEW M. SARBORARIA (Bar No. 211600)
matthew.sarboraria@oracle.com
500 Oracle Parkway, Redwood City, CA 94065
Telephone: (650) 506-5200 / Facsimile: (650) 506-7114

Attorneys for Plaintiff
ORACLE AMERICA, INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

ORACLE AMERICA, INC.

Plaintiff,

v.

GOOGLE, INC.

Defendant.

Case No. CV 10-03561 WHA

**DECLARATION OF MEREDITH DEARBORN
IN SUPPORT OF ORACLE AMERICA, INC.'S
MOTION TO EXCLUDE PORTIONS OF THE
RULE 706 EXPERT REPORT OF DR. JAMES
KEARL**

Dept.: Courtroom 8, 19th Floor
Judge: The Honorable William Alsup

BOIES, SCHILLER & FLEXNER LLP
OAKLAND, CALIFORNIA

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I, Meredith Dearborn, declare as follows:

1. I am an associate with the law firm of Boies, Schiller & Flexner LLP, attorneys for plaintiff Oracle America, Inc. in the above captioned matter, and admitted to practice before this Court.

2. I make this declaration based on my own personal knowledge. If called as a witness, I could and would testify competently as to the matters set forth herein.

3. Attached hereto as **Exhibit A** is a true and correct copy of excerpts from the deposition transcript of Andrew Rubin, dated April 15, 2012. **[SUBMITTED UNDER SEAL]**

4. Attached hereto as **Exhibit B** is a true and correct copy of the Expert Report of Dr. Alan J. Cox as updated on April 27, 2012. **[SUBMITTED UNDER SEAL]**

5. I requested that Google agree to file these two exhibits in the public record, but Google's counsel refused.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on May 1, 2012 at San Francisco, California.

By: /s/ Meredith Dearborn
Meredith Dearborn

ATTESTATION OF FILER

I, Steven C. Holtzman, have obtained Meredith Dearborn's concurrence to file this document on her behalf.

Dated: May 1, 2012

BOIES, SCHILLER & FLEXNER LLP

By: /s/ Steven C. Holtzman
Steven C. Holtzman

Attorneys for Plaintiff
ORACLE AMERICA, INC.

BOIES, SCHILLER & FLEXNER LLP
OAKLAND, CALIFORNIA

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT A

**FILED UNDER SEAL
PURSUANT TO THE
PROTECTIVE ORDER**

EXHIBIT B

**FILED UNDER SEAL
PURSUANT TO THE
PROTECTIVE ORDER**