

1 [counsel listed on signature page]

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UNITED STATES DISTRICT COURT

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NORTHERN DISTRICT OF CALIFORNIA

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SAN FRANCISCO DIVISION

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ORACLE AMERICA, INC.

CASE NO. CV 10-03561 WA (DMR)

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Plaintiff,

**STIPULATION AND [PROPOSED]
ORDER TO EXTEND TIME TO
FILE CERTAIN PRE-TRIAL
MATERIALS**

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v.

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GOOGLE INC.

Judge: Honorable William Alsup

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Defendant.

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STIPULATION

WHEREAS, pursuant to the Court’s scheduling order, the parties are to file the joint pretrial order, joint jury instructions, joint special verdict forms, joint proposed voir dire questions, motions *in limine*, joint exhibit list, witness lists, and trial briefs on October 7, 2011;

WHEREAS, the parties have been meeting and conferring in an attempt to work out their differences in the various components of the filing;

WHEREAS, the parties have been successful in resolving some of their differences, and anticipate that further differences could be resolved and areas of dispute narrowed with additional time to meet and confer on the issues, thereby reducing the number of disputed issues to be resolved at the pre-trial conference;

WHEREAS, the Court has indicated that the pre-trial conference that was scheduled for October 17, 2011, will be moved to the afternoon of October 24, 2011; and

WHEREAS, the parties acknowledge and agree that a limited extension of time to file certain of the pre-trial materials will not affect, delay, or push back any other deadlines in this case.

NOW THEREFORE THE PARTIES HEREBY STIPULATE AND AGREE that:

1. The parties will continue to meet and confer over the next several days to resolve issues that can be resolved and narrow areas of dispute, and thereafter file the joint pretrial order, joint jury instructions, joint special verdict forms, joint proposed voir dire questions, and trial briefs on October 12, 2011.
2. The joint exhibit list, motions in limine and oppositions, and witness lists will be filed as scheduled on October 7, 2011.
3. No other deadlines in this case will be affected by the foregoing extensions. The parties will not use these extensions to argue for a delay of the trial date or any other deadlines in this case.

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ORDER

The foregoing stipulation is approved, and IT IS SO ORDERED.

Date: _____

Honorable William Alsup
Judge of the United States District Court

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2 Dated: October 5, 2011

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Attorneys for Plaintiff
ORACLE AMERICA, INC.

1
2 Dated: October 5, 2011

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ATTESTATION

I, Matthias Kamber, am the ECF User whose ID and password are being used to file this STIPULATION AND [PROPOSED] ORDER TO EXTEND FACT DISCOVERY CUT-OFF AND DUE DATES FOR EXPERT REPORTS. In compliance with General Order 45, X.B., I hereby attest that Michael A. Jacobs and Robert A. Van Nest have concurred in this filing.

Date: October 5, 2011

/s/
MATTHIAS A. KAMBER