

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

6 BOIES, SCHILLER & FLEXNER LLP
7 DAVID BOIES (Admitted *Pro Hac Vice*)
dboies@bsfllp.com
8 333 Main Street
Armonk, NY 10504
9 Telephone: (914) 749-8200 / Facsimile: (914) 749-8300
STEVEN C. HOLTZMAN (Bar No. 144177)
10 sholtzman@bsfllp.com
1999 Harrison St., Suite 900
11 Oakland, CA 94612
Telephone: (510) 874-1000 / Facsimile: (510) 874-1460

12 ORACLE CORPORATION
13 DORIAN DALEY (Bar No. 129049)
dorian.daley@oracle.com
14 DEBORAH K. MILLER (Bar No. 95527)
deborah.miller@oracle.com
15 MATTHEW M. SARBORARIA (Bar No. 211600)
matthew.sarboraria@oracle.com
16 500 Oracle Parkway
Redwood City, CA 94065
17 Telephone: (650) 506-5200 / Facsimile: (650) 506-7114

18 *Attorneys for Plaintiff*
ORACLE AMERICA, INC.

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

21 ORACLE AMERICA, INC.

Case No. CV 10-03561 WHA

22 Plaintiff,

**DECLARATION OF DANIEL P. MUINO
IN SUPPORT OF ORACLE AMERICA,
INC.'S MOTIONS *IN LIMINE* NOS. 1
THROUGH 5**

23 v.

24 GOOGLE INC.

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

25 Defendant.

1 I, Daniel P. Muino, declare as follows:

2 I am an attorney at Morrison & Foerster LLP and am counsel of record to Plaintiff Oracle
3 America, Inc. (“Oracle”). I have personal knowledge of the matters set forth herein and, if called
4 to testify, could and would testify competently to the following.

5 1. Attached hereto as **Exhibit A** is a true and correct copy of a Memorandum
6 Opinion and Order in *Realtime Data, LLC v. Packeteer, Inc.*, Civil No. 6:08-cv-144-LED-JDL,
7 ECF No. 805, dated December 30, 2009.

8 2. Attached hereto as **Exhibit B** is a true and correct copy of a Memorandum
9 Opinion and Order in *Intel Corporation v. Commonwealth Scientific and Industrial Research*
10 *Organisation*, Civil No. 6:06-cv-551, ECF No. 518, dated April 9, 2009.

11 3. Attached hereto as **Exhibit C** is a true and correct copy of AutoDesk’s Motion in
12 Limine No. 2 to Exclude Evidence or Argument Regarding AutoDesk’s Applications to Register
13 DWG and DWG-Based Marks, ECF No. 209, dated December 23, 2009.

14 4. Attached hereto as **Exhibit D** is a true and correct copy of excerpts from the
15 Transcript of Proceedings in *Autodesk, Inc. v. Dassault Systemes Solidworks Corporation*, Case
16 No. C 08-04397-WHA, ECF No. 240, dated December 30, 2009.

17 5. On September 9, 2011, Google Inc. served Oracle America, Inc. its Fifth
18 Supplemental Privilege Log. The privilege log is over 1200 pages and contains many entries
19 identifying privileged legal opinions that have been withheld from Oracle.

20 6. Attached hereto as **Exhibit E** is a true and correct copy of excerpts from the
21 deposition transcript of Andrew Rubin taken on July 27, 2011 in this matter.

22 7. Attached hereto as **Exhibit F** is a true and correct copy of excerpts from the
23 deposition transcript of Daniel Bornstein taken on May 16, 2011 in this matter.

24 8. Attached hereto as **Exhibit G** is a true and correct copy of excerpts from the
25 deposition transcript of Bob Lee taken on August 3, 2011 in this matter.

26 9. Attached hereto as **Exhibit H** is a true and correct copy of Defendant Google
27 Inc.’s Responses to Plaintiff’s Interrogatories, Set One, dated January 6, 2011.

28

1 10. Attached hereto as **Exhibit I** is a true and correct copy of excerpts from Defendant
2 Google Inc.'s Responses to Plaintiff's Interrogatories, Set Four, dated July 29, 2011.

3 11. Attached hereto as **Exhibit J** is a true and correct copy of Plaintiff's Notice of
4 Deposition of Defendant Google Inc. Pursuant to Fed. R. Civ. P. 30(b)(6), Topics 4-9, dated June
5 21, 2011.

6 12. Attached hereto as **Exhibit K** is a true and correct copy of excerpts from the
7 deposition transcript of Patrick Brady taken on July 21, 2011 in this matter.

8 13. Attached hereto as **Exhibit L** is a true and correct copy of excerpts from the
9 Expert Report of David I. August, Ph.D. Regarding the Non-Infringement of U.S. Patent No.
10 6,910,205 dated August 25, 2011.

11 14. Attached hereto as **Exhibit M** is a true and correct copy of excerpted pages from
12 the deposition transcript of David I. August taken on September 16, 2011.

13 15. Attached hereto as **Exhibit N** is a true and correct excerpt of Defendant Google
14 Inc.'s First Set of Requests for Admission to Plaintiff Oracle America, Inc. (Nos. 1 – 429).

15 16. Attached hereto as **Exhibit O** is a true and correct excerpt of the deposition
16 transcript of Owen Astrachan, taken on September 9, 2011 in this matter.

17 17. Attached hereto as **Exhibit P** is a true and correct copy of a document produced by
18 Google bearing bates number GOOGLE-12-100000011, the August 6, 2010 email from Tim
19 Lindholm. Google produced this document on August 27, 2011.

20 18. Attached hereto as **Exhibit Q** is a true and correct copy of excerpts from the
21 deposition transcript of Tim Lindholm taken on September 7, 2011 in this matter.

22 19. Attached hereto as **Exhibit R** is a true and correct copy of excerpts from the
23 30(b)(6) deposition of Daniel Bornstein taken on July 22, 2011 in this matter.

1 I declare under penalty of perjury under the laws of the United States that to the best of
2 my knowledge the foregoing is true and correct. Executed on September 24, 2011, in Palo Alto,
3 California.

4
5 /s/ Daniel P. Muino
6 Daniel P. Muino
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28