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The Honorable William H. Alsup
United States District Court, Northern District of California
450 Golden Gate Avenue
San Francisco, California 94102

Re: *Oracle America, Inc. v. Google Inc.*, No. 3:10-CV-03561-WHA (N.D. Cal.)

Dear Judge Alsup:

I write to address the Court's concern, expressed in its November 15, 2011 order (ECF No. 621), regarding potential trial complications arising from questions about which Oracle products practice the asserted patent claims.

Oracle does not foresee this issue taking significant additional trial time. Oracle's evidence will be presented to the jury in two parts. First, Oracle's experts, as part of their testimony regarding Google's infringement and the validity of the claims, will discuss the technology the claims embrace (as informed by the Court's claim constructions). That testimony would be elicited regardless of questions about Oracle's products. Second, Oracle's percipient witnesses, namely, Java software engineers, will testify about which Oracle products do and do not include the relevant technologies.

As for Google, we know from its expert reports that it will not be presenting expert testimony on whether Oracle's products practice the asserted claims. Nor does its witness list disclose percipient witnesses, other than Oracle engineers, who will testify on this topic. Thus Google's presentation of evidence will be limited to cross-examination of Oracle's witnesses. Based on the discovery Google took on this issue, we anticipate that this will not be time-consuming. Google deposed the Java software engineers who will testify about the products and so has already had the opportunity to examine them. The questioning was not lengthy, perhaps because their testimony was supported by the source code that Oracle produced that corroborates which products contain which technologies.

Respectfully submitted,

/s/ Michael A. Jacobs

Michael A. Jacobs