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ORACLE AMERICA, INC.

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

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

Case No. CV 10-03561 WHA

**DECLARATON OF MARC DAVID PETERS  
IN SUPPORT OF ORACLE’S OBJECTIONS  
TO GOOGLE’S PROPOSED CLAIM  
CONSTRUCTIONS**

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

1 I, Marc David Peters, declare as follows:

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

5 1. Attached hereto as Exhibit A is a true and correct copy of relevant pages from the  
6 WEBSTER'S NINTH NEW COLLEGIATE DICTIONARY (1986) and MICROSOFT PRESS COMPUTER  
7 DICTIONARY (3d ed. 1997).

8 2. Attached hereto as Exhibit B is a true and correct copy of relevant pages of the  
9 certified file history of U.S. Patent No. 7,426,720, bearing Bates numbers  
10 OAGOOGL0000052271-293.

11 3. Attached hereto as Exhibit C is a true and correct copy of U.S. Patent No.  
12 7,213,240.

13 4. Attached hereto as Exhibit D is a true and correct copy of relevant pages of  
14 Google's Request for *Inter Partes* Reexamination under 37 C.F.R. § 1.915 relating to U.S. Patent  
15 No. 7,426, 720.

16 5. Attached hereto as Exhibit E is a true and correct copy of Section 2106.01 from  
17 the MANUAL OF PATENT EXAMINING PROCEDURE § 2106.01, 8th Edition, Revision 6, dated  
18 September 2007. This section remains unchanged in the current edition of the MPEP, 8th  
19 Edition, Revision 8 (July 2010).

20 6. Attached hereto as Exhibit F is a true and correct copy of the Examination  
21 Guidelines for Computer-Related Inventions dated February 28, 1996, available at  
22 [www.uspto.gov/web/offices/pac/dapp/pdf/ciig.pdf](http://www.uspto.gov/web/offices/pac/dapp/pdf/ciig.pdf).

23 7. Attached hereto as Exhibit G is a true and correct copy of Section 2106 from the  
24 MANUAL OF PATENT EXAMINING PROCEDURE, 8th Edition, dated August 2001. The relevant  
25 portion on page 2100-14 is indicated.

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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 December 9, 2011, in Palo Alto,  
3 California.

4  
5 /s/ Marc David Peters  
MARC DAVID PETERS

6  
7 **GENERAL ORDER 45 ATTESTATION**

8 I, Michael A. Jacobs, am the ECF User whose ID and password are being used to file the  
9 Declaration of Marc David Peters in Support of Oracle's Objections to Google's Proposed Claim  
10 Constructions. In compliance with General Order 45, X.B., I hereby attest that Marc David  
11 Peters has concurred in this filing.

12 Dated: December 9, 2011

13 By: /s/ Michael A. Jacobs  
MICHAEL A. JACOBS