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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 MARC PETERS IN SUPPORT OF ORACLE AMERICA, INC.'S MOTION TO AMEND INFRINGEMENT CONTENTIONS AND SUPPLEMENT EXPERT REPORTS** Dept.: Courtroom 8, 19th Floor Judge: Honorable William H. Alsup

I, Marc David Peters, declare as follows:

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

1. On February 27, 2012, I notified Google of Oracle's intention to request leave of Court to supplement its infringement contentions and infringement reports to identify additional evidence to address the Court's recent construction of the term "at runtime." I provided Google with the proposed Supplemental Expert Report of John C. Mitchell Regarding Infringement of the '205 Patent, Oracle's proposed supplemental '205 B-2 infringement chart, and a redline showing changes to the chart. I asked whether Google would oppose Oracle's request for leave to amend.

2. On February 29, 2012, Google counsel notified me that Google would oppose Oracle's request to make the supplementations.

3. Attached hereto as Exhibit A is a true and correct copy of a redline showing Oracle's proposed changes to the '205 B-2 infringement chart, served on Google on February 27, 2012.

4. Attached hereto as Exhibit B is a true and correct copy of the proposed Supplemental Expert Report of John C. Mitchell Regarding Infringement of the '205 Patent, served on Google on February 27, 2012. (**FILED UNDER SEAL**)

5. Attached hereto as Exhibit C is a true and correct copy of relevant portions of the Expert Report of David I. August, Ph.D. Regarding the Non-Infringement of U.S. Patent No. 6,910,205.

I declare under penalty of perjury under the laws of the United States that to the best of my knowledge the foregoing is true and correct. Executed on March 12, 2012, in Palo Alto, California.

/s/ Marc David Peters