

# **EXHIBIT B**

**David Zimmer**

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**From:** Muino, Daniel P. <DMuino@mofo.com>  
**Sent:** Sunday, April 15, 2012 6:54 PM  
**To:** Gene Paige; Oracle MoFo Service List; Oracle-Google@BSFLLP.com  
**Cc:** DALVIK-KVN; dalvik-ks@kslaw.com; GT\_Google@gtlaw.com  
**Subject:** RE: Oracle's motion to exclude evidence

Gene,

As we just discussed, Michael Jacobs informed Bob Van Nest and Bruce Baber on the phone at 2:30pm today that Oracle would be filing a motion on this exact subject. We believe that suffices.

**Daniel P. Muino**

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**From:** Gene Paige [<mailto:EPaige@kvn.com>]  
**Sent:** Sunday, April 15, 2012 6:16 PM  
**To:** Oracle MoFo Service List; Oracle-Google ([Oracle-Google@BSFLLP.com](mailto:Oracle-Google@BSFLLP.com))  
**Cc:** DALVIK-KVN; [dalvik-ks@kslaw.com](mailto:dalvik-ks@kslaw.com); [GT\\_Google@gtlaw.com](mailto:GT_Google@gtlaw.com)  
**Subject:** Oracle's motion to exclude evidence

Counsel:

We have received via ECF the motion that Oracle filed at Docket No. 922 to exclude evidence. It purports to have been made pursuant to the Court's Orders, including ECF No. 890. ECF No. 890 provides:

- 18 |           • The moving party shall provide the other party with written notice of intent  
19 |           a motion (which notice shall include the relief to be sought and a general  
20 |           description of the subject matter and basis for the motion) by 3 PM (Pacific  
21 |           day the motion is to be filed.

Oracle did not provide any written notice of its intent to file a motion, much less written notice containing a statement of the relief to be sought and a general description of the subject matter and basis of motion, by 3 p.m. Pacific today, Sunday, April 15. The motion is therefore improper.

Please confirm immediately that the motion has been withdrawn, and that any future motions will be filed only in conformance with the parties' agreements and the Court's Orders. Thank you.

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