Appendix B

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

ORACLE AMERICA, INC., Plaintiff, v. GOOGLE INC., Defendant.	Case No. 3:10-cv-03561-WHA **GOOGLE'S TRIAL WITNESS DISCLOSURE PURSUANT TO FED. R. CIV. P. 26(A)(3)** Judge: Hon. William Alsup Date Comp. Filed: October 27, 2010 Trial Date: October 31, 2011

Pursuant to Fed. R. Civ. P. 26(a)(3) and the Court's Guidelines for Trial and Final Pretrial Conference in Civil Jury Cases, Google discloses the following witnesses for the trial of this matter. As required by the Guidelines, Google has identified non-cumulative testimony in the summaries below by italicizing that testimony.

1. Google presently intends to call the following witnesses at the trial of this matter, subject to Google's right to modify this list according to developments in the case and rulings of the Court. Contact information has already been provided in this matter.

Name	Manner of Presentation	Substance of Trial Testimony
Allison, Dennis	Live	*Dr. Allison is an expert retained by Google to testify regarding the invalidity of U.S. Patent Nos. RE38,104 and 7,426,720. He will testify on the matters disclosed in his expert reports of August 8 and September 1, 2011.*
August, David	Live	*Dr. August is an expert retained by Google to testify regarding the non-infringement of U.S. Patent Nos. RE38,104 and 6,910,205. He will testify on the matters disclosed in his expert report of August 25, 2011.*
Astrachan, Owen	Live	*Dr. Astrachan is an expert retained by Google to testify regarding the copyright infringement assertions made by Oracle. He will testify on the matters disclosed in his expert reports of July 29, August 12 and August 19, 2011.*
Bloch, Joshua	Live	Mr. Bloch is expected to testify regarding the Java and Android platforms; *work performed by Mr. Bloch for the Android team;* open source generally; *the Apache Harmony project; and contributions made by Google to Java*. He also may testify concerning documents on the exhibit list that are either authored by or were sent to him.
Bornstein, Dan	Live	Mr. Bornstein is expected to testify regarding *his work on development of the Android platform and for Google's Android team, and his observations derived therefrom;* discussions between Google and Sun regarding a possible technology partnership and *the technical aspects thereof*; *other virtual machines and/or platforms considered by Google when developing the Android platform;* how the Android platform, including components such as the Dalvik Virtual Machine and the dx tool, works; alternatives available to Google in designing the Android platform in order to avoid alleged infringement of the patents-in-suit and/or the copyrights-in-suit; *an explanation of the technical issues that accompany designing the Android platform in the first instance; and issues that would accompany re-designing the Android platform based on the current design of the Android*

Name	Manner of Presentation	Substance of Trial Testimony
		platform. He also may testify concerning documents on the exhibit list that are either authored by or were sent to him, or on the subject matter of declarations submitted in this case.
Brady, Patrick	Live	Mr. Brady is expected to testify regarding *the manner in which Google distributes Android source code; and Google's knowledge, or lack thereof, regarding how users of that source code may modify it for use in their devices.* He also may testify concerning documents on the exhibit list that are either authored by or were sent to him, or on the subject matter of declarations submitted in this case.
Bray, Tim	Live	Mr. Bray is expected to testify regarding *the development of applications for the Android platform by third-party developers*. He also may testify concerning documents on the exhibit list that are either authored by or were sent to him.
Catz, Safra	Live	Ms. Catz is expected to testify about *negotiations and communications leading to Oracle's acquisition of Sun, including communications about either Java or Android;* Oracle's valuation of Java; Oracle's business plans with regard to Java, both pre- and post-acquisition; Oracle's management of Java post-acquisition; Oracle's efforts in the mobile computing space; *pre-lawsuit communications with Google regarding Android;* and Oracle's communications to the public, Google, and third parties about Android, open sourcing and/or about Oracle's defensive use of patents and copyrights. She also may testify concerning documents on the exhibit list that are either authored by or were sent to her.
Cox, Alan	Live	*Dr. Cox is an expert retained by Google to testify regarding the alleged damages suffered by Oracle as a result of alleged copyright infringement. He will testify on the matters disclosed in his expert report of October 3, 2011.*
Davidson, Jack	Live	*Dr. Davidson is an expert retained by Google to testify regarding the non-infringement of U.S. Patent No. 7,426,720. He will testify on the matters disclosed in his expert report of August 25, 2011.*
Dewar, Robert	Live	*Dr. Dewar is an expert retained by Google to testify regarding the invalidity of U.S. Patent No. 6,061,520. He will testify on the matters disclosed in his expert reports of August 8 and September 1, 2011.*
Ellison, Larry	Live	Mr. Ellison is expected to testify about *negotiations and communications relating to Oracle's acquisition of Sun, including communications about either Java or Android;* Oracle's valuation of Java; *Oracle's business plans with regard to Java, both pre- and post-acquisition; Oracle's management of Java post-acquisition;* Oracle's efforts in the mobile computing space; Oracle's participation in and

Name	Manner of Presentation	Substance of Trial Testimony
		communications with the Java Community Process; *his and Oracle's communications to the public, Google and third parties about Android, open sourcing and/or Oracle's defensive use of patents and copyrights; and communications with Google regarding Android*. He also may testify concerning documents on the exhibit list that are either authored by or were sent to him.
Gupta, Vineet	Live or by deposition	Mr. Gupta is expected to testify regarding *Sun's Java licensing business model, strategies, and practices; negotiations between Sun and Google regarding a potential technology partnership to develop the Android platform*; and communications concerning Android and the Dalvik VM. He also may testify concerning documents on the exhibit list that are either authored by or were sent to him.
Leonard, Gregory	Live	*Dr. Leonard is an expert retained by Google to testify regarding the alleged damages suffered by Oracle as a result of alleged patent infringement. He will testify on the matters disclosed in his expert report of October 3, 2011.*
Levine, John	Live	*Dr. Levine is an expert retained by Google to testify regarding the invalidity of U.S. Patent Nos. 5,966,702 and 6,910,205. He will testify on the matters disclosed in his expert reports of August 8 and September 1, 2011.*
Mazières, David	Live	*Dr. Mazières is an expert retained by Google to testify regarding the non-infringement and invalidity of U.S. Patent Nos. 6,125,447 and 6,129,476. He will testify on the matters disclosed in his expert reports of August 8, August 25, and September 1, 2011.*
Parr, Terence	Live	*Dr. Parr is an expert retained by Google to testify regarding the non-infringement of U.S. Patent Nos. 5,966,702 and 6,061,520. He will testify on the matters disclosed in his expert report of August 25, 2011.*
Poore, Noel	Live	Mr. Poore is an Oracle engineer who performed work relating to alleged benchmarks of the '520 and '702 patents. He is expected to testify regarding *his work in that regard, as set forth in his August 8, 2011 report*; *other Oracle analysis of, and experimentation with, the Android platform*; Sun's efforts in the mobile computing space, including market perceptions of Java and the potential use of all or part of the Android platform. He also may testify concerning documents on the exhibit list that are either authored by or were sent to him.
Risvi, Hasan	Live or by deposition	Mr. Risvi is expected to testify regarding Sun's (and now Oracle's) Java business model, strategies, practices, and finances; Oracle's acquisition of Sun; and *Oracle's negotiations with Google regarding Android and intellectual property issues related thereto*. He also may testify concerning documents on the exhibit list that are either authored by or were sent to him.

Name	Manner of Presentation	Substance of Trial Testimony
Rubin, Andrew	Live	Mr. Rubin is expected to testify about *the efforts and costs incurred in developing and ultimately open sourcing the Android platform*; open source generally; *Google's efforts to develop a mobile platform, and Google's business model and goals in the mobile market; Google's business and marketing strategies concerning Android; the adoption of the Android platform and factors that have driven demand for it*; alternative platforms available to Android; *Google's discussions with Sun regarding Android and regarding a potential partnership; and Google's discussions with Oracle concerning Android*. He also may testify concerning documents on the exhibit list that are either authored by or were sent to him.
Schwartz, Jonathan	Live or by deposition	Mr. Schwartz is expected to testify regarding negotiations between Sun and Google for a potential technology partnership in the mobile computing space; *his own and Sun's representations to the public, Google, and third parties concerning Java, the licensing of Java, Android, and Sun's intention of using its copyrights and patents only for defensive purposes; Sun's actions and/or inaction relating to enforcement of its patents and copyrights*; Sun/Oracle's position with regard to open sourcing; Oracle's positions with regard to Java licensing; the Java ecosystem generally; his own and Sun's representations to the public, Google and third parties regarding Android; *Sun's knowledge of Android; his own and Sun's expectations regarding Android's effect on the Java ecosystem; negotiations and communications relating to Oracle's acquisition of Sun*. He also may testify concerning documents on the exhibit list that are either authored by or were sent to him.
Wojcicki, Susan	Live	Ms. Wojcicki is expected to testify about Google's background, history, product development, advertising business, revenues, and potential sharing of revenues; *factors that have driven revenue and profitability in Google's search and advertising business; and the relationship, if any, between that business and the mobile technology business and/or Android*. She also may testify concerning documents on the exhibit list that are either authored by or were sent to her.

2. Google may also call the following witnesses, contact information for whom has already been provided:

Name	Manner of Presentation	Substance of Trial Testimony
Buccholz, Martin	Live	Mr. Buccholz may testify in regard to *communications between Google and Sun*; open source generally; and contributions made by Google to Java. He also may

Name	Manner of Presentation	Substance of Trial Testimony
		testify concerning documents on the exhibit list that are either authored by or were sent to him.
Cizek, Leo	Live or by deposition	Mr. Cizek may testify about *Sun's communications and business relationships with Google*, and about Sun's practices concerning enforcement of Sun's alleged intellectual property rights. He also may testify concerning documents on the exhibit list that are either authored by or were sent to him.
Cockburn, Iain	Live	*Dr. Cockburn is an expert retained by Oracle. Google may call him to testify as to opinions set forth in his expert reports of May 21, 2011 and September 12, 2011.*
Eustace, Alan	Live	Mr. Eustace may testify about *communications between Oracle and Google concerning Oracle's allegations of infringement*. He also may testify concerning documents on the exhibit list that are either authored by or were sent to him.
Fresko, Nedim	Live or by deposition	Mr. Fresko, a named inventor on U.S. Patent Nos. 7,426,720 and 5,966,702, may testify regarding the content of those patents and/or *his work that led to the issuance of those patents*. He also may testify concerning documents on the exhibit list that are either authored by or were sent to him.
Gering, Craig	Live	Mr. Gering may testify concerning *Sun's analysis of the Android platform*. He also may testify concerning documents on the exhibit list that are either authored by or were sent to him.
Goldberg, Benjamin	Live	*Dr. Goldberg is an expert retained by Oracle. Google may call him to testify as to opinions set forth in his expert report of August 25, 2011.*
Gries, David	Live	Dr. Gries is a professor at Cornell University, and the author of Compiler Construction for Digital Computers (John Wiley & Sons, 1971). He may testify regarding the content of that work and the concepts that it contains.
Greisemer, Robert	Live	Dr. Griesemer is a Google employee, and a named inventor on U.S. Patent No. 6,910,205. Google may call him to testify regarding the content of that patent; *his work that led to the issuance of that patent*; and/or the incorporation of the patented technology into any versions of Java.
Harris, Steven	Live or by deposition	Mr. Harris may testify concerning *Oracle's conduct relating to open sourcing of Java from 2000 to the present*. He also may testify concerning documents on the exhibit list that are either authored by or were sent to him.
Kearl, James	Live	*Dr. Kearl is an expert appointed by the Court under Federal Rule of Evidence 706 to testify as to damages issues. He may testify as to the opinions disclosed in his expert report, which has not yet been served.*

Name	Manner of Presentation	Substance of Trial Testimony
Kehring, Doug	Live or by deposition	Mr. Kehring may testify concerning Oracle's negotiations and communications, and financial analyses, regarding its acquisition of Sun's intellectual property rights concerning Java as part of the acquisition of Sun. He may also testify concerning documents on the exhibit list that are either authored by or were sent to him.
Kessler, Peter	Live or by deposition	Mr. Kessler may testify concerning Oracle's alleged conception, reduction to practice, and *use of U.S. Patent Nos. 6,910,205 and RE38,104, including but not limited to in the JDK*; and Oracle's benchmarking tests and related Android and Java source code modifications. He may also testify concerning documents on the exhibit list that are either authored by him or were sent to him.
Landau, Erez	Live	Mr. Landau is an Oracle engineer who performed work relating to alleged benchmarks of the '720 patent. Google may call him to testify regarding *his work in that regard, as set forth in his August 8, 2011 report*.
Lee, Bob	Live or by deposition	Mr. Lee may testify regarding regarding the Java and Android platforms; open source generally; and *work performed by Mr. Lee for the Android team*. He also may testify concerning documents on the exhibit list that are either authored by or were sent to him.
Lindholm, Tim	Live	Mr. Lindholm may testify in response to evidence offered by Oracle concerning willfulness, and the scope of his testimony will depend upon the outcome of Google's challenges to the admissibility of the Lindholm email.
Lockheimer, Hiroshi	Live	Mr. Lockheimer may testify about the process of developing Android, including *his work on development of the Android platform and for Google's Android team*; how Android works; other alternatives considered by or available to Google when developing Android; and issues relating to designing or re-designing the Android platform. He also may testify concerning documents on the exhibit list that are either authored by or were sent to him.
Lord, Peter	By deposition designation	Mr. Lord may testify as to Oracle's involvement in the Java Community Process prior to its acquisition of Sun Microsystems; or *prior efforts by Oracle to convince Sun Microsystems to provide a license to Java allowing Java to be used in an open source manner free of field-of-use restrictions*. He also may testify concerning documents on the exhibit list that are either authored by or were sent to him.
Magnusson, Peter	Live	Dr. Magnusson, the author of the article Partial Translation, SICS Technical Report T93:05 (Oct. 1993), may testify as to the content of that article and *the work that led up to its publication; and his personal experience in the field of designing solutions to speed up simulators and interpreters*.

Name	Manner of Presentation	Substance of Trial Testimony
McFadden, Andy	Live	Mr. McFadden may testify about the development of Android, including *his work on development of the Android platform and for Google's Android team*; how Android works; other alternatives considered by or available to Google when developing Android; and issues relating to designing or re-designing the Android platform. He also may testify concerning documents on the exhibit list that are either authored by or were sent to him.
Mitchell, John	Live	*Dr. Mitchell is an expert retained by Oracle. Google may call him to testify as to opinions set forth in his expert reports of July 29, August 8, August 12, August 19, and September 1, 2011.*
Morton, Geoffrey	Live or by deposition	Mr. Morton may testify regarding *the licensing history for Java*. He may also testify concerning documents on the exhibit list that are either authored by or were sent to him.
Nishar, Dipchand	Live	Mr. Nishar may testify regarding the role of the mobile market in Google's strategy for developing Android; and Google's practices in negotiating intellectual property licenses and distribution agreements. He also may testify concerning documents on the exhibit list that are either authored by or were sent to him.
Page, Larry	Live	Mr. Page may testify about *Google's acquisition of Android; negotiations between Sun and Google for a potential technology partnership in the mobile computing space;* Google's efforts to develop a mobile platform, and Google's business model and goals in the mobile market; *communications with Sun and/or Oracle regarding Android;* and Google's background, history, product development, advertising business, and revenues. He also may testify concerning documents on the exhibit list that are either authored by or were sent to him.
Palay, Andrew	Live	Dr. Palay, a named inventor on United States Patent No. 5,613,120, may testify as to the content of that patent and *the work that led up to the issuance of the patent; and his experience in the field of designing solutions that minimize the memory required for combined files created from separate files that contain duplicative constants*.
Pampuch, John	Live or by deposition	Mr. Pampuch may testify about *Oracle's alleged practice of U.S. Patent No. 5,966,702*, including by JavaOS; source code and documents relating to JavaOS; and Oracle's retention and production of such documents. He may also testify concerning documents on the exhibit list that are either authored by or were sent to him.
Purdy, Alan	Live	*Mr. Purdy is an expert retained by Oracle. Google may call him to testify as to opinions set forth in his expert reports of July 29 and August 19, 2011.*
Reinhold, Mark	Live or by deposition	Mr. Reinhold may testify about Sun's practices and policies relating to alleged Java intellectual property rights; *Sun's communications with Apache and/or*

Name	Manner of Presentation	Substance of Trial Testimony
		communications concerning Apache Harmony; Sun's policies and practices with respect to licensing and open sourcing Java-related software and platforms; the Java Community Process; and alleged "fragmentation" or "forking." He also may testify concerning documents on the exhibit list that are either authored by or were sent to him.
Ripley, Lisa	Live or by deposition	Ms. Ripley may testify about *Oracle's policies and practices involving the preservation and production of documents and other evidence by Oracle, in general and with regard to documents relevant to this case; and Oracle's destruction of otherwise discoverable evidence.* She also may testify concerning documents on the exhibit list that are either authored by or were sent to her.
Rizzo, John	Live	Mr. Rizzo may testify regarding *Sun's negotiation practices regarding Java licenses; Sun's development of one-off versions of its Java ME platform for customers;* open source generally; the Apache Harmony project; and fragmentation of the Java ecosystem. He also may testify concerning documents on the exhibit list that are either authored by or were sent to him.
Schmidt, Eric	Live	Mr. Schmidt may testify about *communications between Sun and Google concerning a potential technology partnership in the mobile computing space;* Google's efforts to develop a mobile platform, and Google's business model and goals in the mobile market; *communications with Sun and Oracle regarding Android;* Google's background, history, product development, advertising business, and revenues; and Sun's communications to the public and third parties about Sun's position on copyrightability, licensing and enforcement of alleged intellectual property rights. He also may testify concerning documents on the exhibit list that are either authored by or were sent to him.
Screven, Edward	Live or by deposition	Mr. Screven may testify concerning *government reports concerning Oracle's acquisition of Sun's intellectual property rights concerning Java as part of the acquisition of Sun.* He may also testify concerning documents on the exhibit list that are either authored by or were sent to him.
Singh, Param	Live or by deposition	Mr. Singh may testify concerning the business model and marketing strategy for Java, including the alleged importance of preventing so-called "fragmentation" of Java. He may also testify concerning documents on the exhibit list that are either authored by or were sent to him.
Vandette, Robert	Live	Mr. Vandette is an Oracle engineer who performed work relating to alleged benchmarks of the '104 and '205 patents. Google may call him to testify *regarding his work in that regard, as set forth in his August 8, 2011 report.*

Name	Manner of Presentation	Substance of Trial Testimony
Visnick, Marc	Live	*Mr. Visnick is an expert retained by Oracle. Google may call him to testify as to opinions set forth in his expert report of July 29, 2011.*
Oracle's Custodian of Records	Live	Oracle's custodian of records may be called to testify as to the authenticity and/or business records status of documents on exhibit list (in the event of a dispute among the parties over authenticity or business records status).

In addition to the witnesses identified above, Google may call witnesses for rebuttal and may call witnesses identified on Oracle's witness list. Google will counter-designate testimony of various witnesses designated by Oracle pursuant to Judge Alsup's Guidelines for Trial and Final Pretrial Conference in Civil Jury Cases. Should Oracle introduce any deposition testimony it has designated for witnesses not at trial, Google will, in rebuttal, introduce the testimony they have counter-designated.

Respectfully submitted,

Dated: October 7, 2011

KEKER & VAN NEST LLP

By: */s/ Robert A. Van Nest*
ROBERT A. VAN NEST
Attorneys for Defendant
GOOGLE INC.