

1 ROBERT A. VAN NEST (SBN 84065)
rvannest@kvn.com
2 CHRISTA M. ANDERSON (SBN 184325)
canderson@kvn.com
3 KEKER & VAN NEST LLP
4 633 Battery Street
San Francisco, CA 94111-1809
5 Telephone: (415) 391-5400
6 Facsimile: (415) 397-7188

SCOTT T. WEINGAERTNER (*Pro Hac Vice*)
sweingaertner@kslaw.com
ROBERT F. PERRY
rperry@kslaw.com
BRUCE W. BABER (*Pro Hac Vice*)
bbaber@kslaw.com
KING & SPALDING LLP
1185 Avenue of the Americas
New York, NY 10036-4003
Telephone: (212) 556-2100
Facsimile: (212) 556-2222

7 DONALD F. ZIMMER, JR. (SBN 112279)
fzimmer@kslaw.com
8 CHERYL A. SABNIS (SBN 224323)
csabnis@kslaw.com
9 KING & SPALDING LLP
10 101 Second Street – Suite 2300
11 San Francisco, CA 94105
12 Telephone: (415) 318-1200
Facsimile: (415) 318-1300

IAN C. BALLON (SBN 141819)
ballon@gtlaw.com
HEATHER MEEKER (SBN 172148)
meekerh@gtlaw.com
GREENBERG TRAUIG, LLP
1900 University Avenue
East Palo Alto, CA 94303
Telephone: (650) 328-8500
Facsimile: (650) 328-8508

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14 Attorneys for Defendant
GOOGLE INC.

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16 **UNITED STATES DISTRICT COURT**
17 **NORTHERN DISTRICT OF CALIFORNIA**
18 **SAN FRANCISCO DIVISION**

19 ORACLE AMERICA, INC.
20
21 Plaintiff,
22 v.
23 GOOGLE INC.
24 Defendant.
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Case No. 3:10-cv-03561-WHA
Honorable Judge William Alsup

**DECLARATION OF MARK H. FRANCIS
IN SUPPORT OF GOOGLE’S RESPONSE
IN OPPOSITION TO ORACLE’S
MOTION TO AMEND ‘205 PATENT
INFRINGEMENT CONTENTIONS AND
SUPPLEMENT EXPERT REPORTS**

1 I, Mark H. Francis, declare as follows:

2 I am an associate in the law firm of King & Spalding LLP, counsel to Google Inc.
3 (“Google”) in the present case. I submit this declaration in support of Google’s Response In
4 Opposition to Oracle’s Motion to Amend ‘205 Patent Infringement Contentions and Supplement
5 Expert Reports. I make this declaration based on my own personal knowledge. If called as a
6 witness, I could and would testify competently to the matters set forth herein.

7 1. Attached to this declaration as Exhibit A is a true and correct copy of the cover page, a
8 portion of page 176, pages 177-182 and page 384 from the August 8, 2011 Opening Expert
9 Report of John C. Mitchell Regarding Patent Infringement Submitted on Behalf of Plaintiff
10 Oracle America, Inc. A confidentiality designation has been removed from the cover page
11 because confidential information is not included in the excerpts included in Exhibit A.

12 2. Attached to this declaration as Exhibit B is a true and correct copy of the cover page,
13 page 27 and page 50 from the September 1, 2011 Reply Expert Report of John C. Mitchell
14 Regarding Patent Infringement Submitted on Behalf of Plaintiff Oracle America, Inc. A
15 confidentiality designation has been removed from the cover page because confidential
16 information is not included in the excerpts included in Exhibit B.

17 3. Attached to this declaration as Exhibit C is a true and correct copy of page 271 and pages
18 340-347 from the transcript of the September 6-7, 2011 deposition of John C. Mitchell.
19 Confidentiality designations have been removed from these pages because confidential
20 information is not included in the excerpts included in Exhibit C.

21
22 I declare under penalty of perjury that the foregoing facts are true and correct.

23 Executed on March 16, 2012 in New York, New York.

24 _____
25 /s/ Mark H. Francis /s/
26 Mark H. Francis
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