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UNITED STATES DISTRICT COURT

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NORTHERN DISTRICT OF CALIFORNIA

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SAN FRANCISCO DIVISION

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ORACLE AMERICA, INC.

Case No. CV 10-03561 WHA (DMR)

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Plaintiff,

**SECOND STIPULATION AND
[PROPOSED] ORDER REGARDING
TRIAL PROCEDURES**

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v.

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GOOGLE INC.

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Defendant.

Judge: Honorable William H. Alsup

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STIPULATION

WHEREAS, the parties have continued to meet and confer in advance of trial and have reached agreement regarding certain additional trial procedures; and

WHEREAS, these agreements are in accordance with the Court’s March 5, 2012 Guidelines for Trial and Final Pretrial Conference in Civil Jury Cases Before the Honorable William Alsup (“Trial Guidelines”);

NOW THEREFORE THE PARTIES HEREBY STIPULATE AND AGREE as follows:

1. Consistent with Paragraph 20 of the Trial Guidelines, each party shall serve deposition designations by 5:00 pm five days before they are to be used at trial. Each party shall serve counter-designations and objections by 5:00 pm two days after the deposition designations have been served. The final packet required by Paragraph 20 of the Trial Guidelines shall be submitted to the Court by 8:00 am the day after the counter-designations and objections have been served, two days before they are to be used at trial.

2. Witnesses who have been subpoenaed by the parties to appear on April 16, 2012, need not appear in court until the day they have been noticed to testify by the other party, pursuant to Paragraph 11 of the Trial Guidelines.

3. Google and its witnesses will not submit evidence or argument at trial referencing the fact that Oracle withdrew patents previously asserted in this case, unless the Court first determines that Oracle has opened the door to such evidence.

ORDER

The foregoing stipulation is approved, and IT IS SO ORDERED.

Date: _____

Honorable William Alsup
Judge of the United States District Court

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Dated: April 12, 2012

MORRISON & FOERSTER LLP

By: /s/ Daniel P. Muino
Daniel P. Muino

MORRISON & FOERSTER LLP
MICHAEL A. JACOBS (Bar No. 111664)
mjacobs@mofo.com
MARC DAVID PETERS (Bar No. 211725)
mdpeters@mofo.com
DANIEL P. MUINO (Bar No. 209624)
dmuino@mofo.com
755 Page Mill Road
Palo Alto, CA 94304-1018
Telephone: (650) 813-5600
Facsimile: (650) 494-0792

BOIES, SCHILLER & FLEXNER LLP
DAVID BOIES (Admitted *Pro Hac Vice*)
dboies@bsflp.com
333 Main Street
Armonk, NY 10504
Telephone: (914) 749-8200
Facsimile: (914) 749-8300
STEVEN C. HOLTZMAN (Bar No. 144177)
sholtzman@bsflp.com
1999 Harrison St., Suite 900
Oakland, CA 94612
Telephone: (510) 874-1000
Facsimile: (510) 874-1460

ORACLE CORPORATION
DORIAN DALEY (Bar No. 129049)
dorian.daley@oracle.com
DEBORAH K. MILLER (Bar No. 95527)
deborah.miller@oracle.com
MATTHEW M. SARBORARIA (Bar No. 211600)
matthew.sarboraria@oracle.com
500 Oracle Parkway
Redwood City, CA 94065
Telephone: (650) 506-5200
Facsimile: (650) 506-7114

Attorneys for Plaintiff
ORACLE AMERICA, INC.

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Dated: April 12, 2012

KEKER & VAN NEST LLP

By: /s/ Matthias Kamber
Matthias Kamber

KEKER & VAN NEST LLP
ROBERT A. VAN NEST (SBN 84065)
rvannest@kvn.com
CHRISTA M. ANDERSON (SBN184325)
canderson@kvn.com
DANIEL PURCELL (SBN 191424)
dpurcell@kvn.com
633 Battery Street
San Francisco, CA 94111
Telephone: (415) 391-5400
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
1185 Avenue of the Americas
New York, NY 10036-4003
Telephone: (212) 556-2100
Facsimile: (212) 556-2222

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

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

Attorneys for Defendant
GOOGLE INC.

