

1 Robert A. Mittelstaedt (SBN 060359)  
Jason McDonell (SBN 115084)  
2 Elaine Wallace (SBN 197882)  
JONES DAY  
3 555 California Street, 26<sup>th</sup> Floor  
San Francisco, CA 94104  
4 Telephone: (415) 626-3939  
Facsimile: (415) 875-5700  
5 ramittelstaedt@jonesday.com  
jmcdonell@jonesday.com  
6 ewallace@jonesday.com

7 Tharan Gregory Lanier (SBN 138784)  
Jane L. Froyd (SBN 220776)  
8 JONES DAY  
1755 Embarcadero Road  
9 Palo Alto, CA 94303  
Telephone: (650) 739-3939  
10 Facsimile: (650) 739-3900  
tglanier@jonesday.com  
11 jfroyd@jonesday.com

12 Scott W. Cowan (Admitted *Pro Hac Vice*)  
Joshua L. Fuchs (Admitted *Pro Hac Vice*)  
13 JONES DAY  
717 Texas, Suite 3300  
14 Houston, TX 77002  
Telephone: (832) 239-3939  
15 Facsimile: (832) 239-3600  
swcowan@jonesday.com  
16 jlfuchs@jonesday.com

17 Attorneys for Defendants  
SAP AG, SAP AMERICA, INC., and  
18 TOMORROWNOW, INC.

BINGHAM McCUTCHEM LLP  
DONN P. PICKETT (SBN 72257)  
GEOFFREY M. HOWARD (SBN 157468)  
HOLLY A. HOUSE (SBN 136045)  
ZACHARY J. ALINDER (SBN 209009)  
BREE HANN (SBN 215695)  
Three Embarcadero Center  
San Francisco, CA 94111-4067  
Telephone: (415) 393-2000  
Facsimile: (415) 393-2286  
donn.pickett@bingham.com  
geoff.howard@bingham.com  
holly.house@bingham.com  
zachary.alinder@bingham.com  
bree.hann@bingham.com

BOIES, SCHILLER & FLEXNER LLP  
DAVID BOIES (Admitted *Pro Hac Vice*)  
333 Main Street  
Armonk, NY 10504  
Telephone: (914) 749-8200  
Facsimile: (914) 749-8300  
dboies@bsflp.com

STEVEN C. HOLTZMAN (SBN 144177)  
FRED NORTON (SBN 224725)  
1999 Harrison St., Suite 900  
Oakland, CA 94612  
Telephone: (510) 874-1000  
Facsimile: (510) 874-1460  
sholtzman@bsflp.com  
fnorton@bsflp.com

DORIAN DALEY (SBN 129049)  
JENNIFER GLOSS (SBN 154227)  
500 Oracle Parkway, M/S 5op7  
Redwood City, CA 94070  
Telephone: (650) 506-4846  
Facsimile: (650) 506-7114  
dorian.daley@oracle.com  
jennifer.gloss@oracle.com

Attorneys for Plaintiffs  
Oracle USA, Inc., *et al.*

21 UNITED STATES DISTRICT COURT  
22 NORTHERN DISTRICT OF CALIFORNIA  
23 OAKLAND DIVISION

23 ORACLE USA, INC., et al.,  
24 Plaintiffs,  
25 v.  
26 SAP AG, et al.,  
27 Defendants.  
28

Case No. 07-CV-1658 PJH (EDL)

**STIPULATION AND [PROPOSED]  
ORDER TO TEMPORARILY STAY  
EXECUTION OF JUDGMENT**

1 SAP AG, SAP America, Inc., and TomorrowNow, Inc. (“Defendants”) and Oracle USA,  
2 Inc., Oracle International Corporation, and Siebel Systems, Inc. (“Plaintiffs,” and together with  
3 Defendants, the “Parties”) jointly submit this Stipulation and [Proposed] Order to temporarily  
4 stay execution of judgment.

5 WHEREAS, the parties filed a joint, proposed form of judgment in the above-captioned  
6 matter on February 1, 2011;

7 WHEREAS, Rule 62(a) of the Federal Rules of Civil Procedure provides that “no  
8 execution may issue on a judgment, nor may proceedings be taken to enforce it, until 14 days  
9 have passed after its entry,” Fed. R. Civ. P. 62(a); and,

10 WHEREAS, the Parties may require more than 14 days to negotiate an appropriate  
11 security for the judgment.

12 NOW, THEREFORE, IT IS HEREBY STIPULATED by the Parties, through their  
13 respective counsel of record, that no execution may issue on the judgment, nor may proceedings  
14 be taken to enforce it, until 21 days have passed after its entry.

15 **IT IS SO STIPULATED.**

16 Dated: February 2, 2011

JONES DAY

17 By: /s/ Tharan Gregory Lanier

18 Tharan Gregory Lanier

19 Counsel for Defendants  
20 SAP AG, SAP AMERICA, INC., and  
TOMORROWNOW, INC.

21 In accordance with General Order No. 45, Rule X, the above signatory attests that  
22 concurrence in the filing of this document has been obtained from the signatory below.

23 Dated: February 2, 2011

Bingham McCutchen LLP

24 By: /s/ Geoffrey M. Howard

25 Geoffrey M. Howard

Attorneys for Plaintiffs

26 ORACLE USA, INC., ORACLE  
27 INTERNATIONAL CORPORATION, and  
28 SIEBEL SYSTEMS, INC.

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**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

DATED: \_\_\_\_\_

By: \_\_\_\_\_

Hon. Phyllis J. Hamilton  
United States District Court Judge