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

24 ORACLE USA, INC., *et al.*,

25 Plaintiffs,

26 v.

27 SAP AG, *et al.*,

28 Defendants.

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SAP AG, SAP AMERICA, INC., and
TOMORROWNOW, INC.

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

**STIPULATION AND [PROPOSED]
ORDER TO EXTEND TEMPORARY
STAY OF EXECUTION OF
JUDGMENT AND STIPULATED
REQUEST TO EXTEND BRIEFING
SCHEDULE**

1 **Stipulation to Extend Temporary Stay of Execution of Judgment**

2 WHEREAS, the Court entered final judgment in the above-captioned matter on February
3 3, 2011 (ECF No. 1036);

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

7 WHEREAS, at the Parties’ request, the Court granted a temporary stay of execution of
8 final judgment, which will expire on March 10, 2011;

9 WHEREAS, the Parties continue to negotiate an appropriate security for the judgment;

10 WHEREAS, the Parties agree to: (i) extend the temporary stay of execution for an
11 additional 14 days, and (ii) should Defendants file a motion pursuant to Rules 62(b) and 62(d) of
12 the Federal Rules of Civil Procedure to stay of execution of final judgment pending disposition of
13 post-judgment motions and, if necessary, an appeal by having the Court set an appropriate
14 security (“Rule 62(b) and 62(d) Motion”) within that 14-day time period, extend the temporary
15 stay of execution through the Court’s ruling on the Rule 62(b) and 62(d) Motion;

16 NOW, THEREFORE, IT IS HEREBY STIPULATED by the Parties, through their
17 respective counsel of record, that execution of judgment shall be stayed until March 24, 2011, or,
18 should Defendants file a Rule 62(b) and 62(d) Motion on or before March 24, 2011, that
19 execution of judgment shall be stayed through the Court’s ruling on the Rule 62(b) and 62(d)
20 Motion.

21 **Stipulated Request to Extend Briefing Schedule**

22 Pursuant to Civil Local Rules 6-2, 6-12, and 7-4, the Parties submit this stipulated request
23 to extend the briefing schedule for post-judgment briefs filed pursuant to Rule 50(b) and Rule 59
24 of the Federal Rules of Civil Procedure (the “Post-Trial Motions”).

25 Following the filing of the Parties’ February 18, 2011 Stipulated Request, Dkt. No. 1041,
26 the Court set a briefing and hearing schedule for the Post-Trial Motions in the Court’s February
27 23, 2011 Order, Dkt. No. 1043. Given the complexity of the issues addressed in the Post-Trial
28 Motions, good cause exists for a minor extension of the time to file Opposition and Reply Briefs.

1 Specifically, the Parties jointly request that the Court grant an additional 9-day extension to file
 2 Opposition Briefs and an additional 5-day extension to file Reply Briefs. As the current hearing
 3 date set by the Court is July 13, 2011, the Parties do not believe that the requested additional
 4 extension of time, which still provides the Court approximately 2.5 months to consider the
 5 Parties' briefing, will impact the hearing date or the Court's consideration of the Post-Trial
 6 Motions.

7 Accordingly, the Parties request that the Court modify the briefing schedule as follows:

8 April 8 Deadline to file Opposition Briefs
 9 April 27 Deadline to file Reply Briefs
 10 July 13 Hearing

11 The only purpose of this request is to extend the briefing deadlines as noted above, and
 12 thus, this request neither affects any other rights or obligations of the Parties, nor impacts the
 13 briefing page limits or briefing description set forth in the Parties' February 18, 2011 Stipulated
 14 Request, Dkt. No. 1041, and approved by the Court's February 23, 2011 Order, Dkt. No. 1043.

15
 16 **IT IS SO STIPULATED.**

17 Dated: March 9, 2011

Bingham McCutchen LLP

18
 19
 20 By: /s/ Geoffrey M. Howard
 21 Geoffrey M. Howard
 22 Attorneys for Plaintiffs
 Oracle USA, Inc., Oracle International
 Corporation, and Siebel Systems, Inc.

23 In accordance with General Order No. 45, Rule X, the above signatory attests that
 24 concurrence in the filing of this document has been obtained from the signatory below.
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Dated: March 9, 2011

JONES DAY

By: /s/ Tharan Gregory Lanier
Tharan Gregory Lanier

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

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 3/10/11

By: _____
Hon. Phyllis J. Hamilton
United States District Judge
Phyllis J. Hamilton

