

1 Robert A. Mittelstaedt (SBN 060359)
Jason McDonell (SBN 115084)
2 Elaine Wallace (SBN 197882)
JONES DAY
3 555 California Street, 26th 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 McCUTCHEN 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@bsfllp.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@bsfllp.com
fnorton@bsfllp.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
OAKLAND DIVISION

23 ORACLE USA, INC., et al.,

24 Plaintiffs,

25 v.

26 SAP AG, et al.,

27 Defendants.

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

**STIPULATION AND [PROPOSED] ORDER
REGARDING DEFENDANTS' MOTION FOR
APPROVAL OF SECURITY**

Date: June 29, 2011
Time: 9:00 a.m.
Courtroom: 3, 3rd Floor
Judge: Hon. Phyllis J. Hamilton

STIPULATION RE MOTION FOR APPROVAL OF SECURITY

1
2 Defendants SAP AG, SAP America, Inc., and TomorrowNow, Inc. (“Defendants”) and
3 Oracle USA, Inc., Oracle International Corporation and Siebel Systems, Inc. (“Oracle,” and
4 together with Defendants, the “Parties”) request entry of an order approving a supersedeas bond
5 in the amount of \$1,325,033,547.00 as appropriate security to stay execution of the final
6 judgment entered on February 3, 2011 (ECF No. 1036), pending disposition of post-judgment
7 motions and, if necessary, appeal. Defendants reviewed the revisions proposed by Oracle as
8 further explained in its Opposition (ECF No. 1072) and have had an opportunity to confer with
9 the sureties insuring the bond regarding Oracle’s suggested revisions. Defendants have now
10 accepted the revisions proposed by Oracle and proposed one minor addition. The Parties met and
11 conferred further, and with these revisions, have reached an agreement on a stipulated bond form,
12 which is attached as Exhibit A. Accordingly, the Parties jointly request that the Court approve
13 this revised bond form and grant Defendants 10 business days to obtain the necessary signatures
14 and file a signed version of this bond form with the Court for final approval. A hearing on the
15 Defendants’ Motion is no longer required.

16
17 **IT IS SO STIPULATED.**

18 Dated: June 8, 2011

JONES DAY

19
20 By: /s/ Tharan Gregory Lanier
21 Tharan Gregory Lanier

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

24 In accordance with General Order No. 45, Rule X, the above signatory attests that
25 concurrence in the filing of this document has been obtained from the signatory below.
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Dated: June 8, 2011

BINGHAM McCUTCHEN LLP

By: /s/ Geoffrey M. Howard
Geoffrey M. Howard

Attorneys for Plaintiffs
ORACLE USA, INC., ORACLE
INTERNATIONAL CORPORATION, and
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