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20 UNITED STATES DISTRICT COURT  
21 NORTHERN DISTRICT OF CALIFORNIA  
22 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)

**STIPULATED REQUEST AND  
[PROPOSED] ORDER THAT  
DEFENDANTS MAY RELEASE THE  
SUPERSEDEAS BOND**

Date: N/A  
Time: N/A  
Courtroom: 3, 3rd Floor  
Judge: Hon. Phyllis J. Hamilton

**STIPULATED REQUEST TO RELEASE DEFENDANTS' SUPERSEDEAS BOND**

Defendants SAP AG, SAP America, Inc., and TomorrowNow, Inc. ("Defendants") submit this Stipulated Request and [Proposed] Order that Defendants may release the supersedeas bond previously approved by Court Order at ECF No. 1077.

WHEREAS, on June 22, 2011 this Court entered an order approving a supersedeas bond in the amount of \$1,325,033,547.00 as appropriate security to stay execution of the final judgment entered on February 3, 2011 (ECF No. 1036), pending disposition of post-judgment motions and, if necessary, appeal. See ECF No. 1077.

WHEREAS, on September 1, 2011 this Court granted Defendants' motions for judgment as a matter of law and motion for a new trial, and vacated "that portion of the February 3, 2011 judgment awarding \$1.3 billion for hypothetical license damages." See ECF No. 1081 at 20.

WHEREAS, as a result of the Court's September 1, 2011 order, there is no final judgment upon which Oracle can execute.

WHEREAS, Plaintiffs Oracle USA, Inc., Oracle International Corporation, and Siebel Systems, Inc. ("Oracle," and together with Defendants, the "Parties") stipulate to this request.

NOW, THEREFORE, IT IS HEREBY STIPULATED by the Parties, through their respective counsel of record, that Defendants may release the supersedeas bond previously approved by Court Order at ECF No. 1077.

**IT IS SO STIPULATED.**

Dated: October 5, 2011

JONES DAY

By: /s/ Tharan Gregory Lanier  
Tharan Gregory Lanier

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

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

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Dated: October 5, 2011

BINGHAM McCUTCHEN LLP

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

Attorneys for Plaintiffs  
ORACLE USA, INC., ORACLE  
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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