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

**DEFENDANTS' STATEMENT
REGARDING ORACLE'S MARCH 4,
2012 LETTER TO THE COURT
(D.I. 1113)**

1 The Court is burdened with unsolicited letters and submissions on trial scheduling because
2 Oracle wants more than what the Court has already determined was the maximum amount of
3 damages supported by the evidence, and because Oracle apparently believes that endless delay
4 will somehow help in that quest. Trial conflicts come and trial conflicts go. The new trial will be
5 short and focused, and should not require months of advance preparation. The best approach here
6 is what the Court has already ordered—hold the pretrial conference on May 24, 2012 so that this
7 case is ready for trial, then start the trial on June 18 if existing, identified trial conflicts have
8 resolved or trail the case if they have not. Experienced trial counsel can manage this, and Oracle
9 should not be heard to complain that its day in court has come too soon.

10 Dated: March 5, 2012

JONES DAY

11 By: /s/ Tharan Gregory Lanier
12 Tharan Gregory Lanier

13 Counsel for Defendants
14 SAP AG, SAP AMERICA, INC., and
15 TOMORROWNOW, INC.