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

19 UNITED STATES DISTRICT COURT  
20 NORTHERN DISTRICT OF CALIFORNIA  
21 SAN FRANCISCO DIVISION

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

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

**DEFENDANTS' STATEMENT OF  
NON-OPPOSITION TO RELIEF  
SOUGHT IN PLAINTIFFS'  
ALTERNATIVE MOTION TO FILE  
STIPULATED AMENDED  
COMPLAINT**

1           On July 15, 2009, Plaintiffs filed an Alternative Motion to File Stipulated Amended  
2 Complaint (the “Alternative Motion”). Although Defendants disagree with many of the  
3 characterizations contained in the Alternative Motion, including Plaintiffs’ characterization of the  
4 Alternative Motion as a “stipulated motion,” per the parties’ agreement as set forth in the June 11,  
5 2009 Revised Case Management and Pretrial Order, Defendants do not oppose the relief sought in  
6 the Alternative Motion. *See* Alternative Motion at 1; D.I. 325.

7 Dated: July 29, 2009

JONES DAY

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9 By: /s/ Tharan Gregory Lanier

Tharan Gregory Lanier

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11 Counsel for Defendants  
12 SAP AG, SAP AMERICA, INC., and  
13 TOMORROWNOW, INC.  
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