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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA; OAKLAND DIVISION

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

24 Plaintiffs,

25 v.

26 SAP AG, *et al.*,

27 Defendants.  
28

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

**STIPULATION AND [PROPOSED]  
ORDER TO EXTEND TIME FOR  
EXPERT DISCOVERY**

1 Pursuant to Civil Local Rule 6-2, and in accordance with Local Rule 7-12, Plaintiffs  
2 Oracle USA, Inc., Oracle International Corporation, Oracle EMEA Limited, and Siebel Systems,  
3 Inc. (“Plaintiffs”) and Defendants SAP AG, SAP America, Inc., and TomorrowNow, Inc.  
4 (“Defendants,” and together with Oracle, the “Parties”) jointly submit this stipulation to extend  
5 time for expert discovery.

6 WHEREAS, the December 22, 2009 Stipulation and Order to Extend Time for Expert  
7 Discovery set an expert discovery cut-off date of June 18, 2010. *See* D.I. 586;

8 WHEREAS, Defendants’ expert Mr. Brian Sommer was scheduled for deposition on June  
9 16, 2010;

10 WHEREAS Mr. Sommer suffered a death in his immediate family that caused his  
11 deposition to be postponed, and the parties have agreed to reschedule it for June 25, 2010;

12 WHEREAS, the Parties jointly request that the date for expert discovery cut-off be  
13 extended to June 25, 2010 for the limited purpose of allowing Mr. Sommer’s deposition to be  
14 taken;

15 WHEREAS, the requested extension does not impact any other portion of the current case  
16 schedule, including any dates involving any action by the Court or the current trial date of  
17 November 1, 2010, and shall not in any way affect any other rights or obligations of the Parties.

18 NOW, THEREFORE, IT IS HEREBY STIPULATED by the Parties, through their  
19 respective counsel of record, that expert discovery the date for expert discovery cut-off be  
20 extended to June 25, 2010 for the limited purpose of allowing the deposition of Mr. Sommer to be  
21 taken.

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DATED: June 16, 2010

JONES DAY

By: /s/ Jason McDonell

Jason McDonell

Attorneys 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.

DATED: June 16, 2010

BINGHAM McCUTCHEN LLP

By: /s/ Holly House

Holly House

Attorneys for Plaintiffs  
ORACLE USA, INC., ORACLE  
INTERNATIONAL CORPORATION,  
ORACLE EMEA LIMITED, and SIEBEL  
SYSTEMS, INC.

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Date: 6/17/10

