

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ORACLE CORPORATION, et al.,

Plaintiffs,

No. C 07-1658 PJH

v.

ORDER

SAP AG, et al.,

Defendants.

_____ /

The court has briefly reviewed the discussions in the trial briefs and in the joint pretrial statement, filed August 5, 2010, regarding the parties' efforts to streamline the case for trial. The court is presently in the process of preparing the order regarding the submitted motions for summary judgment, which were heard on May 5, 2010, and, in light of some of the representations in the pretrial papers, as well as SAP's August 5, 2010 press release, requires some clarification regarding whether SAP's concessions or proposed concessions will obviate the need for the court to decide any of the issues raised in the summary judgment motions. Accordingly, no later than Tuesday, August 10, 2010, the parties shall submit a joint statement advising the court which – if any – of the matters at issue in the summary judgment motions have been resolved by the parties and need not be addressed by the court.

In addition, it appears from the pretrial submissions that the parties are having some difficulty reaching agreement as to how best to streamline the case for trial. If the parties are unable to accomplish this on their own, the court will require that they meet with a

1 Magistrate Judge. Depending on availability, the court will refer the matter to either Judge
2 Spero or Judge Laporte, or, if the parties prefer, to either Judge Ryu or Judge Beeler of the
3 Oakland court. The parties shall indicate their preference in the August 10, 2010 joint
4 statement.

5

6 **IT IS SO ORDERED.**

7 Dated: August 6, 2010



PHYLLIS J. HAMILTON
United States District Judge

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28