

1 BINGHAM McCUTCHEN LLP  
 CHRISTOPHER B. HOCKETT (SBN 121539)  
 2 GEOFFREY M. HOWARD (SBN 157468)  
 ZACHARY J. ALINDER (SBN 209009)  
 3 BREE HANN (SBN 215695)  
 Three Embarcadero Center  
 4 San Francisco, CA 94111-4067  
 Telephone: (415) 393-2000  
 5 Facsimile: (415) 393-2286  
 chris.hockett@bingham.com  
 6 geoff.howard@bingham.com  
 zachary.alinder@bingham.com  
 7 bree.hann@bingham.com

8 DORIAN DALEY (SBN 129049)  
 JEFFREY S. ROSS (SBN 138172)  
 9 500 Oracle Parkway  
 M/S 5op7  
 10 Redwood City, CA 94070  
 Telephone: (650) 506-4846  
 11 Facsimile: (650) 506-7114  
 12 dorian.daley@oracle.com  
 jeff.ross@oracle.com

13 Attorneys for Plaintiffs  
 14 Oracle Corporation, Oracle USA, Inc.,  
 and Oracle International Corporation

15 UNITED STATES DISTRICT COURT  
 16 NORTHERN DISTRICT OF CALIFORNIA  
 17 SAN FRANCISCO DIVISION  
 18

19 ORACLE CORPORATION, a Delaware  
 20 corporation, ORACLE USA, INC., a Colorado  
 corporation, and ORACLE INTERNATIONAL  
 21 CORPORATION, a California corporation,

22 Plaintiffs,

23 v.

24 SAP AG, a German corporation, SAP  
 AMERICA, INC., a Delaware corporation,  
 25 TOMORROWNOW, INC., a Texas corporation,  
 and DOES 1-50, inclusive,

26 Defendants.  
 27  
 28

Case No. 07-CV-1658 EMC

**STIPULATION EXTENDING TIME  
 FOR DEFENDANTS TO RESPOND  
 TO COMPLAINT [CIVIL LOCAL  
 RULE 6-1(A)]**

**STIPULATION EXTENDING TIME TO RESPOND**

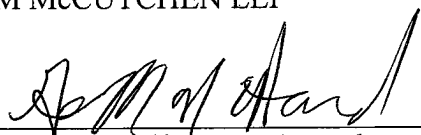
IT IS HEREBY STIPULATED AND AGREED between Plaintiffs Oracle Corporation, Oracle USA, Inc., and Oracle International Corporation (together "Oracle") on the one hand and Defendants SAP AG, SAP America, Inc., and TomorrowNow, Inc. (together "Defendants") on the other, by and through their undersigned counsel, that pursuant to Northern District Civil Local Rule 6-1(a), Defendants' time to respond to Oracle's Complaint shall be extended as follows: Defendants' responsive pleading shall be filed and served no later than twenty (20) days after Oracle files a First Amended Complaint. Oracle intends to file a First Amended Complaint no sooner than April 21, 2007, but no later than May 18, 2007. Defendants agree to accept service of the First Amended Complaint by hand delivery to their undersigned counsel. The parties also agree to meet and confer in good faith should those anticipated dates change, requiring further agreement and/or order of the Court;

IT IS FURTHER STIPULATED AND AGREED that entering into this Stipulation shall not be construed, or otherwise used, to support any claim of delay or laches by any party for any reason, and further, that this stipulation shall not prejudice any of the parties from later requesting an extension of such dates.

**IT IS SO AGREED AND STIPULATED.**

DATED: April 10, 2007

BINGHAM McCUTCHEN LLP

By:   
Geoffrey M. Howard  
Attorneys for Plaintiffs  
Oracle Corporation, Oracle International Corporation, and Oracle USA, Inc.

The electronic filer attests, pursuant to General Order 45, Section X, that Robert Mittelstaedt, whose name appears below, has signed this document.

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

DATED: April 10, 2007

JONES DAY

By: 

Robert A. Mittelstaedt  
Attorneys for Defendants  
SAP AG, SAP America, Inc., and  
TommorrowNow, Inc.

**PROOF OF SERVICE**

I am over eighteen years of age, not a party in this action, and employed in San Francisco County, California at Three Embarcadero Center, San Francisco, California 94111-4067. I am readily familiar with the practice of this office for collection and processing of correspondence for mail/fax/hand delivery/electronic mail/overnight mail/courier delivery, and they are deposited that same day in the ordinary course of business.

On April 11, 2007, I served the attached:

**STIPULATION EXTENDING TIME FOR DEFENDANTS TO RESPOND TO COMPLAINT [CIVIL LOCAL RULE 6-1(A)]**

(BY ELECTRONIC MAIL) by transmitting via electronic mail document(s) in portable document format (PDF) listed on the attached service list to the email addresses set forth on this date.

(BY MAIL) by causing a true and correct copy of the above to be placed in the United States Mail at San Francisco, California in sealed envelope(s) with postage prepaid, addressed as set forth below. I am readily familiar with this law firm's practice for collection and processing of correspondence for mailing with the United States Postal Service. Correspondence is deposited with the United States Postal Service the same day it is left for collection and processing in the ordinary course of business.

Robert A. Mittelstaedt  
Jones Day  
555 California Street, 26th Floor  
San Francisco, California 94104  
Telephone 415-626-3939  
ramittelstaedt@jonesday.com

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this declaration was executed on April 11, 2007, at San Francisco, California.

  
\_\_\_\_\_  
Rosaleen Doran