

1 BINGHAM MCCUTCHEN LLP
 2 DONN P. PICKETT (SBN 72257)
 3 GEOFFREY M. HOWARD (SBN 157468)
 4 ZACHARY J. ALINDER (SBN 209009)
 5 BREE HANN (SBN 215695)
 6 Three Embarcadero Center
 7 San Francisco, CA 94111-4067
 Telephone: 415.393.2000
 Facsimile: 415.393.2286
 donn.pickett@bingham.com
 geoff.howard@bingham.com
 zachary.alinder@bingham.com
 bree.hann@bingham.com

8 BOIES, SCHILLER & FLEXNER LLP
 9 DAVID BOIES (Admitted Pro Hac Vice)
 10 333 Main Street
 Armonk, NY 10504
 Telephone: (914) 749-8200
 Facsimile: (914) 749-8300
 dboies@bsflp.com
 11 STEVEN C. HOLTZMAN (SBN 144177)
 12 FRED NORTON (SBN 224725)
 13 1999 Harrison St., Suite 900
 Oakland, CA 94612
 Telephone: (510) 874-1000
 Facsimile: (510) 874-1460
 sholtzman@bsflp.com
 fnorton@bsflp.com

14 DORIAN DALEY (SBN 129049)
 15 JENNIFER GLOSS (SBN 154227)
 16 500 Oracle Parkway, M/S 5op7
 17 Redwood City, CA 94070
 Telephone: 650.506.4846
 Facsimile: 650.506.7144
 dorian.daley@oracle.com
 18 jennifer.gloss@oracle.com
 19

20 Attorneys for Plaintiffs Oracle USA, Inc., *et*
 21 *al.*

22 UNITED STATES DISTRICT COURT
 23 NORTHERN DISTRICT OF CALIFORNIA
 24 OAKLAND DIVISION

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

26 Plaintiffs,

27 v.

28 SAP AG, *et al.*,

Defendants.

No. 07-CV-01658 PJH (EDL)

ORACLE'S REJECTION OF REMITTITUR
 AND REQUEST FOR RETRIAL

1 Plaintiffs Oracle USA Inc., Oracle International Corporation, and Siebel Systems,
2 Inc. (“Oracle”) respectfully reject the remittitur issued by the Court, and elect a new trial.

3 Oracle has no choice but to elect a new trial, as accepting the remittitur would
4 force Oracle to risk waiving its right to appeal the Court’s decision on the motions for judgment
5 as a matter of law and for a new trial. Oracle’s objective is to obtain clarification of the law and,
6 if it is right about what the law is and what the evidence supports in this case, to vindicate the
7 verdict of the jury and Oracle’s intellectual property rights as a copyright owner. Accepting the
8 remittitur would be contrary to this objective.

9
10 DATED: February 6, 2012

Bingham McCutchen LLP

11 By: _____ /s/ Geoffrey M. Howard
12 Geoffrey M. Howard
13 Attorneys for Plaintiffs Oracle USA, Inc., *et al.*