

1 MORRISON & FOERSTER LLP
MICHAEL A. JACOBS (Bar No. 111664)
2 mjacobs@mofo.com
MARC DAVID PETERS (Bar No. 211725)
3 mdpeters@mofo.com
DANIEL P. MUINO (Bar No. 209624)
4 dmuino@mofo.com
755 Page Mill Road, Palo Alto, CA 94304-1018
5 Telephone: (650) 813-5600 / Facsimile: (650) 494-0792

6 BOIES, SCHILLER & FLEXNER LLP
DAVID BOIES (Admitted *Pro Hac Vice*)
7 dboies@bsflp.com
333 Main Street, Armonk, NY 10504
8 Telephone: (914) 749-8200 / Facsimile: (914) 749-8300
STEVEN C. HOLTZMAN (Bar No. 144177)
9 sholtzman@bsflp.com
1999 Harrison St., Suite 900, Oakland, CA 94612
10 Telephone: (510) 874-1000 / Facsimile: (510) 874-1460

11 ORACLE CORPORATION
DORIAN DALEY (Bar No. 129049)
12 dorian.daley@oracle.com
DEBORAH K. MILLER (Bar No. 95527)
13 deborah.miller@oracle.com
MATTHEW M. SARBORARIA (Bar No. 211600)
14 matthew.sarboraria@oracle.com
500 Oracle Parkway, Redwood City, CA 94065
15 Telephone: (650) 506-5200 / Facsimile: (650) 506-7114

16 *Attorneys for Plaintiff*
ORACLE AMERICA, INC.

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

21 ORACLE AMERICA, INC.
22 Plaintiff,
23 v.
24 GOOGLE INC.
25 Defendant.

Case No. CV 10-03561 WHA

**DECLARATON OF MARC DAVID PETERS
IN SUPPORT OF OPPOSITION TO
MOTION FOR PARTIAL SUMMARY
JUDGMENT THAT GOOGLE IS NOT
LIABLE FOR DAMAGES FOR ALLEGED
PATENT INFRINGEMENT THAT
OCCURRED BEFORE JULY 20, 2010**

Date: TBD
Dept.: Courtroom 8, 19th Floor
Judge: Honorable William H. Alsup

1 I, Marc David Peters, declare as follows:

2 I am a partner at Morrison & Foerster LLP and am counsel of record to Plaintiff Oracle
3 America, Inc. I have personal knowledge of the matters set forth herein and, if called to testify,
4 could and would testify competently to the following.

5 1. Attached hereto as Exhibit A is a true and correct copy of *Java ME Technology*
6 *Overview*, available at [http://www.oracle.com/technetwork/java/javame/java-me-overview-](http://www.oracle.com/technetwork/java/javame/java-me-overview-402920.html)
7 [402920.html](http://www.oracle.com/technetwork/java/javame/java-me-overview-402920.html).

8 2. Attached hereto as Exhibit B is a true and correct copy of relevant portions of
9 Expert Reply Report of John R. Levine, Ph.D. Regarding the Invalidity of U.S. Patent Nos.
10 5,966,702 and 6,061,520.

11 3. Attached hereto as Exhibit C is a true and correct copy of relevant portions of
12 James Gosling & Henry McGilton, *White Paper, The Java Language Environment* (May 1996),
13 available at <http://java.sun.com/docs/white/langenv/>.

14 4. Attached hereto as Exhibit D is a true and correct copy of relevant portions of the
15 Expert Report of Dr. Benjamin F. Goldberg Regarding Validity of Patents-In-Suit.

16 5. Attached hereto as Exhibit E is a true and correct copy of relevant portions of the
17 Expert Reply Report of Dennis Allison Regarding the Invalidity of U.S. Patent No. RE38,104.

18 6. Attached hereto as Exhibit F is a true and correct copy of Google's Exhibit DX290
19 to the Pampuch 30(b)(6) deposition.

20 I declare under penalty of perjury under the laws of the United States that to the best of
21 my knowledge the foregoing is true and correct. Executed on October 28, 2011, in Palo Alto,
22 California.

23 _____
24 /s/ Marc David Peters

25 I hereby attest that Marc David Peters concurs in the e-filing of this document.

26 _____
27 /s/ Michael A. Jacobs