

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

KEKER & VAN NEST LLP
ROBERT A. VAN NEST - #84065
rvannest@kvn.com
CHRISTA M. ANDERSON - #184325
canderson@kvn.com
DANIEL PURCELL - #191424
dpurcell@kvn.com
633 Battery Street
San Francisco, CA 94111-1809
Telephone: 415.391.5400
Facsimile: 415.397.7188

KING & SPALDING LLP
DONALD F. ZIMMER, JR. - #112279
fzimmer@kslaw.com
CHERYL A. SABNIS - #224323
csabnis@kslaw.com
101 Second St., Suite 2300
San Francisco, CA 94105
Tel: 415.318.1200
Fax: 415.318.1300

KING & SPALDING LLP
SCOTT T. WEINGAERTNER (*Pro Hac Vice*)
sweingaertner@kslaw.com
ROBERT F. PERRY
rperry@kslaw.com
BRUCE W. BABER (*Pro Hac Vice*)
1185 Avenue of the Americas
New York, NY 10036
Tel: 212.556.2100
Fax: 212.556.2222

IAN C. BALLON - #141819
ballon@gtlaw.com
HEATHER MEEKER - #172148
meekerh@gtlaw.com
GREENBERG TRAUERIG, LLP
1900 University Avenue
East Palo Alto, CA 94303
Tel: 650.328.8500
Fax: 650.328-8508

Attorneys for Defendant
GOOGLE INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.,

Plaintiff,

v.

GOOGLE INC.,

Defendant.

Case No. 3:10-cv-03561-WHA

**DECLARATION OF DANIEL PURCELL
IN SUPPORT OF GOOGLE INC.'S
SUPPLEMENTAL BRIEF IN SUPPORT
OF MOTION *IN LIMINE* NO. 3 TO
EXCLUDE PORTIONS OF COCKBURN
REPORT ON DAMAGES**

Judge: Hon. William Alsup

Date Comp. Filed: October 27, 2010

1 I, Daniel Purcell, declare as follows:

2 1. I am a partner in the law firm of Kecker & Van Nest LLP, counsel to Google Inc.
3 (“Google”) in the present case. I submit this declaration in support of Google Inc.’s
4 Supplemental Brief in Support of Motion *in Limine* No. 3 To Exclude Portions of Cockburn
5 Report on Damages. I have knowledge of the facts set forth herein, and if called to testify as a
6 witness thereto could do so competently under oath.

7 2. Attached hereto as **Exhibit A** are true and correct copies of excerpted pages from
8 the transcript of the deposition of Dr. Iain M. Cockburn, taken October 17, 2011.

9 3. Attached hereto as **Exhibit B** is a true and correct copy of Dr. Cockburn’s Reply
10 to the report of Google damages expert Dr. Gregory Leonard, dated October 10, 2011.

11 4. Attached hereto as **Exhibit C** is a true and correct copy of a Sun Microsystems
12 presentation, dated Febraury 2006 and titled “Project Armstrong: Business Model.” This
13 document was produced by Oracle in this case bearing the production numbers
14 OAGOOOGLE0100166874 through OAGOOOGLE0100166899.

15 5. Attached hereto as **Exhibit D** is a true and correct copy of a March 20, 2006
16 email from Sun employee Kathleen Knopoff titled “finance preso,” which attached the February
17 2006 Project Armstrong presentation attached hereto as Exhibit C. The March 20, 2006 email
18 was produced by Oracle in this case bearing the production number OAGOOOGLE0100166873.

19 6. Attached hereto as **Exhibit E** is a true and correct copy of Dr. Cockburn’s Reply
20 to the report of Google damages expert Dr. Alan Cox, dated October 10, 2011.

21 I declare under penalty of perjury that the foregoing is true and correct and that this
22 declaration was executed at San Francisco, California on October 20, 2011.

23
24
25
26
27
28

By: /s Daniel Purcell
 DANIEL PURCELL