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ORACLE AMERICA, INC.

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

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

Case No. CV 10-03561 WHA

**ORACLE'S STATEMENT
REGARDING FINANCIAL
RELATIONSHIPS WITH
COMMENTATORS**

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

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1 Oracle welcomes the Court's August 7, 2012 Order, as it believes that much of the
2 copyright and fair use commentary that occurred outside of the courtroom before and during the
3 pendency and trial of this case was instigated by Google or its direct or indirect representatives.

4 Pursuant to the Court's Order, Oracle identifies the following authors, journalists,
5 commentators, or bloggers who have reported or commented on any issues in this case and who
6 have received money (other than normal subscription fees) from Oracle or its counsel during the
7 pendency of this action:

8 Oracle has retained Florian Mueller, author of the blog FOSS Patents,
9 www.fosspatents.com, as a consultant on competition-related matters, especially relating to
10 standards-essential patents. Oracle notes that Mr. Mueller fully disclosed his relationship with
11 Oracle in a blog posting dated April 18, 2012; that Oracle retained him after he had begun writing
12 about this case; and that he was not retained to write about the case. Mr. Mueller is a frequent
13 critic of Oracle and was a leading advocate against Oracle's acquisition of Sun Microsystems,
14 Inc., which led to Oracle's ownership of Sun's Java IP portfolio. A copy of Mr. Mueller's
15 disclosure is attached as Exhibit A at 5.

16 Certain Oracle employees may have blogged about issues relating to the case. *See, e.g.*,
17 <https://blogs.oracle.com/hinkmond/> (blogging about Java ME). Oracle did not ask or approve any
18 of its employees to write about the case and does not track employee bloggers.

19 In view of the Order's reference to treatise writers, out of an abundance of caution, Oracle
20 notes that Stanford University Professor Paul Goldstein is Of Counsel to Morrison & Foerster and
21 is the author of the treatise *Goldstein on Copyright*. Professor Goldstein has not commented on
22 this lawsuit.

23 In contrast, Oracle notes that Google maintains a network of direct and indirect
24 "influencers" to advance Google's intellectual property agenda. This network is extensive,
25 including attorneys, lobbyists, trade associations, academics, and bloggers, and its focus extends
26 beyond pure intellectual property issues to competition/antitrust issues. Oracle notes that
27 Google's extensive network of influencers has been the subject of recent press coverage. *See,*
28 *e.g.*, Exhibits B and C. Oracle believes that Google brought this extensive network of influencers

1 to help shape public perceptions concerning the positions it was advocating throughout this trial.
2 While it is Google’s obligation by the Court’s Order to disclose the full scope and details of this
3 network as it relates to this case or the issues in this case, Oracle notes just two prominent
4 examples: Ed Black, President and Chief Executive Officer of the Computer and
5 Communications Industry Association, funded in large part by Google, has written specifically on
6 the issue of copyrightability of APIs. *See, e.g.*, Exhibit D. Jonathan Band was a co-author of the
7 book, “Interfaces on Trial 2.0,” which Google cited in its April 3, 2012 copyright brief. Band’s
8 indirect relationship to Google through Google supported trade associations is discussed in the
9 August 10, 2012 Recorder article attached as Exhibit C.

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11 Dated: August 17, 2012

MORRISON & FOERSTER LLP

12 By: /s/ Michael A. Jacobs

13 *Attorneys for Plaintiff*
14 ORACLE AMERICA, INC.