



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO**

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Case Number: CGC-15-548606

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ORDER

MARS, INCORPORATED, ET AL VS. ORACLE CORPORATION, ET AL

001C05170715

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FILED
Superior Court of California
County of San Francisco

NOV 24 2015

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BY: [Signature]
Deputy Clerk

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21 and MARS INFORMATION SERVICES, INC.

22 SUPERIOR COURT OF THE STATE OF CALIFORNIA
23 COUNTY OF SAN FRANCISCO

24 MARS, INCORPORATED, a Delaware
25 corporation, and MARS INFORMATION
26 SERVICES, INC., a Delaware corporation,

27 Plaintiffs,

28 vs.

ORACLE CORPORATION, a Delaware
20 corporation, ORACLE AMERICA, INC., a
21 Delaware corporation, and Does 1-25,

Defendants.

Case No. CGC-15-548606

**STIPULATION AND [PROPOSED]
ORDER FOR WITHDRAWAL OF
MOTION FOR PRELIMINARY
INJUNCTION**

1 WHEREAS, Plaintiffs Mars Incorporated and Mars Information Systems Incorporated
2 (“Mars”) filed a Complaint for Declaratory Judgment against Defendants Oracle Corporation and
3 Oracle America Inc. (“Oracle”) on October 23, 2015.

4 WHEREAS, Mars filed a Motion for Preliminary Injunction, with an associated hearing
5 date of December 2, 2015.

6 WHEREAS, Mars and Oracle agree that the issues presented by Mars’s Motion for a
7 Preliminary Injunction are hereby rendered moot.

8 THEREFORE IT IS HEREBY STIPULATED by and between the parties that:

9 1. During the pendency of this litigation, or until the Court determines the rights of the
10 parties under the Software and Services Licenses and Services Agreement between Mars and
11 Oracle, dated November 23, 1993, and the Order Documents executed pursuant to that agreement
12 (the “Licenses”), Oracle will not terminate the Licenses for any of the grounds: (i) described in
13 Mars’ Complaint or Oracle’s findings dated July 28, 2015, September 18, 2015, or October 14,
14 2015, or (ii) otherwise arising from Oracle’s current audit of Mars.

15 2. Mars hereby withdraws its Motion for a Preliminary Injunction.

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Dated: November 11, 2015

MORGAN, LEWIS & BOCKIUS LLP

By Nitin Jindal
Nitin Jindal
Attorneys for Oracle Corporation and
Oracle America, Inc.

Dated: November 10, 2015

ARENT FOX LLP

By Arthur S. Beeman
Arthur S. Beeman
Attorneys for Mars Inc. and Mars
Information Services, Inc.

IT SO ORDERED.

NOV 24 2015

By Ernest H. Goldsmith
San Francisco Superior Court Judge

ERNEST H. GOLDSMITH