IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ORACLE CORPORATION and ORACLE U.S.A. INC.,	)	
Plaintiffs/Counterdefendants,	)	
v.	)	C.A. No. 06-414 (SLR)
EPICREALM LICENSING, LP,	)	
Defendant/Counterclaimant.	)	

ORACLE'S MOTION TO EXCLUDE EXPERT REPORT AND TESTIMONY OF EPICREALM'S DAMAGES EXPERT, MICHAEL J. WAGNER

Plaintiffs and Counterdefendants Oracle Corporation and Oracle U.S.A. Inc. (collectively "Oracle") hereby move the Court for an order excluding the expert report and trial testimony of epicRealm's damages expert, Michael J. Wagner ("Wagner"), for failure to satisfy the requirements for admissibility under Rule 702 of the Federal Rules of Evidence. The grounds for this motion are set forth in Oracle's Opening Brief In Support Of Its Motion To Exclude Expert Report And Testimony Of EpicRealm's Damages Expert, Michael J. Wagner being filed herewith. A proposed form of Order is attached hereto.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ James W. Parrett, Jr.

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July 31, 2008

RULE 7.1.1 CERTIFICATE

I hereby certify that the subject of the foregoing motion has been discussed with counsel for the defendant and that we have not been able to reach agreement.

James W. Parrett, Jr. (#4292)

2430739

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ORACLE CORPORATION and ORACLE U.S.A. INC.,	)	
Plaintiffs/Counterdefendants,	)	
v.	)	C.A. No. 06-414 (SLR)
EPICREALM LICENSING, LP,	)	
Defendant/Counterclaimant.	)	

[PROPOSED] ORDER GRANTING ORACLE'S MOTION TO EXCLUDE EXPERT REPORT AND TESTIMONY OF EPICREALM'S DAMAGES EXPERT, MICHAEL J. WAGNER

IT IS HEREBY ORDERED this _____ day of _____, 2008, that Oracle's Motion To Exclude Expert Report And Testimony Of EpicRealm's Damages Expert, Michael J. Wagner is GRANTED.

_____
UNITED STATES DISTRICT JUDGE

2430755

CERTIFICATE OF SERVICE

I hereby certify that on July 31, 2008, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF which will send electronic notification of such filing to the following:

Richard L. Horwitz
David Ellis Moore
POTTER ANDERSON & CORROON, LLP

Additionally, I hereby certify that true and correct copies of the foregoing were caused to be served on July 31, 2008 upon the following individuals in the manner indicated:

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