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November 22, 2019

E. Joshua Rosenkranz

**Via E-Filing**

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The Honorable Scott S. Harris  
Clerk of the Court  
Supreme Court of the United States  
One First Street, N.E.  
Washington, DC 20543

Re: *Google LLC v. Oracle America, Inc.*, No. 18-956

Dear Mr. Harris:

I'm writing to request the Court's permission to defer submission of the joint appendix under Rule 26.4 in the above-captioned case. As contemplated under Rule 26.4, the parties will file the joint appendix on or before February 26, 2020—within 14 days after the brief for respondent has been filed. In order to avoid any delay in the Court's consideration of this case, the parties have agreed to submit their principal briefs in compliance with Rule 33.1, with citations to the joint appendix, according to the current briefing schedule, so that the briefs will not need to be updated or resubmitted to correct record citations. Counsel for Google has indicated that Google supports this request.

I believe deferring the appendix will aid the Court's consideration of this case. The record in this case is unusually voluminous. It contains proceedings and filings spanning nearly ten years of litigation, including two lengthy jury trials, each with dozens of witnesses and hundreds of exhibits. This matter comes to the Court after two appeals that will both be at issue before this Court and thus much of the record in this case is potentially relevant to the questions presented. At this stage in the case, the parties will have difficulty assembling an appendix limited to the key issues in dispute before the briefing commences. Deferring the appendix will give the parties time to narrow the issues before this Court and limit the appendix to only those materials most helpful to the Court's consideration of the issues in the dispute.



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I hope the Court will be amenable to this proposal. Please let me know if there are any questions or concerns.

Very truly yours,

A handwritten signature in black ink, appearing to read "E. Joshua Rosenkranz".

E. Joshua Rosenkranz

cc: Counsel of Record