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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, *Plaintiff,* v. BAZAARVOICE, INC. *Defendant*.	Case No. 13-cv-00133 WHO JOINT STIPULATION AND MOTION FOR THE ADMISSION OF EXHIBITS AT TRIAL

Plaintiff United States of America and Defendant Bazaarvoice, Inc. submit this Joint Stipulation and Motion For the Admission of Exhibits at Trial ("Stipulation and Motion"), and in support of this Stipulation and Motion, state as follows:

Assessing the competitive effects of a merger is a fact intensive inquiry. This case is no exception, and the parties have engaged in substantial discovery that has produced voluminous documentary and testimonial evidence.

On August 26, 2013, the parties lodged extensive exhibit lists. *See* Plaintiff's Exhibit List, ECF No. 112-7; Defendant Bazaarvoice's Exhibit List, ECF No. 112-8 (the "Exhibit Lists"). In the interest of judicial efficiency, the parties stipulated to the authenticity and admissibility of all but a handful of exhibits. *See* Joint Stipulation Regarding Authenticity and Admissibility of Materials For Trial, ECF No. 101. Also on August 26, 2013, the parties lodged with the Court the following documents: Plaintiff United States of America's Proposed Findings of Fact; Plaintiff's Trial Brief; Bazaarvoice's Proposed Findings of Fact; and Defendant's Pre-

Trial Brief (the "Findings and Briefs"). The Findings and Briefs cite a number of exhibits containing relevant evidence supporting the parties' arguments.

On September 9, 2013, the Court held a pre-trial conference to address various issues in the above-captioned case, including the admission of evidence at trial. During the conference, the Court expressed concern about admitting into the record all of the parties' proposed exhibits. In an effort to address the Court's concerns and insure that the Court has a sufficiently full evidentiary record to make its rulings, the parties stipulate to the amendment of the Exhibit Lists to include only those exhibits cited in the hyperlinked Findings and Briefs.

The documents cited in the Findings and Briefs are highly relevant to a number of key issues in this case. Further, their use in the Findings and Briefs provide the Court with sufficient context to assess the documents' relevance. Finally, the amended Exhibit Lists address the Court's concerns regarding the volume of the parties' proposed exhibits.

Federal Rule of Evidence 611(a) grants a trial court discretion in controlling the presentation of evidence to "make those procedures effective for determining the truth" and "avoid wasting time." Fed. R. Evid. 611(a). The parties' Stipulation and Motion is consistent with the objectives of Rule 611(a).

Accordingly, the parties hereby stipulate to amend the Exhibit Lists to include only:

1. Exhibits cited in support of Plaintiff's Proposed Finding of Fact and Plaintiff's Trial Brief ("Appendix A"); and
2. Exhibits cited in support of Bazaarvoice's Proposed Findings of Fact and Defendant's Trial Brief ("Appendix B").

Further, the parties may offer additional exhibits through witnesses at trial.

The parties respectfully request that the Court admit the exhibits contained in Appendix A and Appendix B, subject to any objections set forth in the Exhibit Lists that a party specifically raises at trial.

Respectfully requested,

Dated: September 17, 2013

By: /s/ Peter K. Huston

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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, *Plaintiff*, v. BAZAARVOICE, INC. *Defendant*.	Case No. 13-cv-00133 EMC [PROPOSED] ORDER ADMITTING EXHIBITS FOR TRIAL Re: Dkt No. ___

[PROPOSED] ORDER ADMITTING EXHIBITS FOR TRIAL

Upon due consideration and for good cause shown, the Court hereby **GRANTS** Plaintiff United States of America and Defendant Bazaarvoice, Inc.'s Joint Stipulation and Motion For the Admission of Exhibits at Trial. Accordingly, the Court admits the exhibits contained in Appendix A and Appendix B, subject to any objections set forth in Plaintiff's Exhibit List, ECF No. 112-7 and Defendant Bazaarvoice's Exhibit List, ECF No. 112-8, that a party specifically raises at trial.

IT IS SO ORDERED.

Dated: September , 2013

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WILLIAM H. ORRICK
United States District Judge