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SAP AG, SAP AMERICA, INC., and  
TOMORROWNOW, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

ORACLE USA, INC., et al.,  
Plaintiffs,  
v.  
SAP AG, et al.,  
Defendants.

Case No. 07-CV-1658 PJH (EDL)

**DECLARATION OF THARAN GREGORY  
LANIER IN SUPPORT OF DEFENDANTS'  
MOTION FOR STAY OF EXECUTION OF  
JUDGMENT THROUGH APPEAL AND  
APPROVAL OF PROPOSED SECURITY  
PURSUANT TO FRCP 62**

Date: May 4, 2011  
Time: 9:00 a.m.  
Courtroom: 3, 3rd Floor  
Judge: Hon. Phyllis J. Hamilton

1 I, THARAN GREGORY LANIER, declare as follows:

2 I am a partner in the law firm of Jones Day, 1755 Embarcadero Road, Palo Alto,  
3 California 94303, and counsel of record for Defendants SAP AG, SAP America, Inc. (together,  
4 “SAP”), and TomorrowNow, Inc. (“TN”) (collectively, “Defendants”) in the above-captioned  
5 matter. I am a member in good standing of the state bar of California and admitted to practice  
6 before this Court. I make this declaration based on personal knowledge and, if called upon to do  
7 so, could testify competently thereto.

8 1. Attached as **Exhibit 1** is a true and correct copy of Defendants’ proposed escrow  
9 agreement among the parties to this action and JP Morgan.

10 2. Attached as **Exhibit 2** is a true and correct copy of an e-mail sent by my colleague  
11 Rachel Rawson to Zac Alinder, counsel for Oracle USA, Inc., Oracle International Corporation,  
12 and Siebel Systems, Inc., and others on March 7, 2011 at 5:10 p.m.

13 3. Attached as **Exhibit 3** is a true and correct copy of an e-mail sent by Ms. Rawson  
14 to Mr. Alinder and others on March 11, 2011 at 8:56 a.m.

15 4. Attached as **Exhibit 4** is a true and correct copy of an e-mail sent by my colleague  
16 Greg Castanias to Mr. Alinder and others on March 18, 2011 at 9:57 a.m.

17 5. Attached as **Exhibit 5** is a true and correct copy of e-mail correspondence between  
18 Ms. Rawson and Mr. Alinder, copying others, on March 23, 2011.

19 6. Attached as **Exhibit 6** is a true and correct copy of e-mail correspondence between  
20 Ms. Rawson and Mr. Alinder, copying others, on March 24, 2011.

21 7. Attached as **Exhibit 7** is a true and correct copy of e-mail correspondence between  
22 my colleague Jacqueline Lee and Mr. Alinder, copying others, on March 24, 2011.

23 I declare under penalty of perjury under the laws of the United States and the State of  
24 California that the foregoing is true and correct. Executed this 24th day of March, 2011 in New  
25 York, New York.

26 /s/ Tharan Gregory Lanier  
27 Tharan Gregory Lanier  
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