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17 Attorneys for Defendants  
SAP AG, SAP AMERICA, INC., and  
18 TOMORROWNOW, INC.

19 UNITED STATES DISTRICT COURT  
20 NORTHERN DISTRICT OF CALIFORNIA  
21 OAKLAND DIVISION

22 ORACLE USA, INC., et al.,

23 Plaintiffs,

24 v.

25 SAP AG, et al.,

26 Defendants.

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

**DECLARATION OF THARAN GREGORY  
LANIER IN SUPPORT OF DEFENDANTS'  
OPPOSITION TO ORACLE'S CONDITIONAL  
MOTION FOR NEW TRIAL**

Date: July 11, 2011  
Time: 9:00 a.m.  
Courtroom: 3, 3rd Floor  
27 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. Plaintiffs’ Trial Exhibits 614 and 615 were produced to Defendants on February  
9 6, 2009. The documents were part of a production of over 700 pages, identified by the bates  
10 range ORCL00312744 – ORCL00313461 and the description “miscellaneous financial  
11 documents.”

12 2. Attached as **Exhibit A** is a true and correct copy of the following excerpt from the  
13 Court’s September 30, 2010 Pretrial Hearing transcript at 55:13-22.

14 3. Attached as **Exhibit B** are true and correct copies of excerpts from the trial  
15 transcript dated November 8, 2010: 823:9-826:21.

16 4. Oracle served its initial damages expert’s report on November 16, 2009.

17 5. Attached as **Exhibit C** are true and correct copies of excerpts from the trial  
18 transcript dated November 19, 2010: 1953:5-1959:22.

19 6. Attached as **Exhibit D** are true and correct copies of excerpts from the trial  
20 transcript dated November 22, 2010: 2215:15-19.

21 7. Attached as **Exhibit E** are true and correct copies of excerpts from the trial  
22 transcript dated November 16, 2010: 1530:14-1535:4, 1535:12-17, 1535:25-1537:7, 1589:17-  
23 1596:13, 1596:18-1597:25, 1598:5-1600:7, 1630:16-21.

24 8. Attached as **Exhibit F** are true and correct copies of excerpts from the trial  
25 transcript dated November 12, 2010: 1296:19-25, 1301:2-20, 1305:19-25.

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

/s/ Tharan Gregory Lanier  
Tharan Gregory Lanier

SFI-667618v2