

# Exhibit A

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BEFORE THE HONORABLE PHYLLIS J. HAMILTON, JUDGE

ORACLE CORPORATION, ET AL. )

PLAINTIFFS, )

VS. )

SAP AG, ET AL., )

DEFENDANTS. )

NO. C 07-01658 PJH

**Certified Copy**

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OAKLAND, CALIFORNIA  
WEDNESDAY, SEPTEMBER 30, 2010

**TRANSCRIPT OF PROCEEDINGS**

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REPORTED BY:

RAYNEE H. MERCADO, CSR NO. 8258

1 PEOPLESOFT, AND SIEBEL BY ANALOGY -- LOOK AT THAT TOTAL VALUE  
2 AND VALUE EVERYTHING THAT'S RELEVANT TO THE SOFTWARE THAT WAS  
3 STOLEN.

4 IT'S NOT ABOUT -- IT'S NOT ABOUT LOST PROFITS. IT'S  
5 NOT ABOUT THE -- IT IS ABOUT THE FAIR MARKET VALUE OF USE. WHAT  
6 THEY'RE TRYING TO DO IS EXPAND THIS PRIOR ORDER, WHEN AT THE  
7 VERY TIME THEY MADE THIS -- THEY SOUGHT THIS ORDER, THEY SAID,  
8 QUOTE, IT DOES NOT EXTEND TO ORACLE'S HYPOTHETICAL LICENSE  
9 THEORY, CLOSED QUOTE.

10 NOW THEY'RE TRYING TO TAKE BACK WHAT THEY SAID TO  
11 JUDGE LAPORTE AND SAY, IT DOES EXTEND TO ORACLE'S HYPOTHETICAL  
12 LICENSE THEORY. THAT'S EXACTLY WHAT THIS MOTION IS ABOUT.

13 **THE COURT:** CAN I JUST ASK -- CAN I JUST ASK, WAS THE  
14 ISSUE RAISED AT THE TIME THAT THIS PARTICULAR EVIDENCE AS TO  
15 LOST PROFITS WAS RELEVANT TO THE HYPOTHETICAL LICENSE ANALYSIS?

16 **MR. PICKETT:** NO, BECAUSE THEY SAID IT HAD NOTHING TO  
17 DO WITH THE HYPOTHETICAL FAIR MARKET VALUE APPROACH.

18 **THE COURT:** HAD THE EXPERT REPORTS ALREADY BEEN  
19 PREPARED --

20 **MR. PICKETT:** NO.

21 **THE COURT:** -- YOUR EXPERT? NO?

22 **MR. PICKETT:** NO, THOSE WERE PREPARED MONTHS LATER.

23 THEY ARE -- STARTED LAST NOVEMBER, BUT THAT'S AN ISSUE THAT BOTH  
24 EXPERTS HAVE LOOKED AT, AND WE'VE DONE LOTS OF DISCOVERY OVER.

25 SO WHAT THIS IS TRYING TO DO IS CUT A SIGNIFICANT --

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**CERTIFICATE OF REPORTER**

I, RAYNEE H. MERCADO, OFFICIAL REPORTER FOR THE UNITED STATES COURT, NORTHERN DISTRICT OF CALIFORNIA, HEREBY CERTIFY THAT THE FOREGOING PROCEEDINGS IN C07-01658 PJH, ORACLE CORPORATION, ET AL. V. SAP AG, ET AL., WERE REPORTED BY ME, A CERTIFIED SHORTHAND REPORTER, AND WERE THEREAFTER TRANSCRIBED UNDER MY DIRECTION INTO TYPEWRITING; THAT THE FOREGOING IS A FULL, COMPLETE AND TRUE RECORD OF SAID PROCEEDINGS AS BOUND BY ME AT THE TIME OF FILING.

THE VALIDITY OF THE REPORTER'S CERTIFICATION OF SAID TRANSCRIPT MAY BE VOID UPON DISASSEMBLY AND/OR REMOVAL FROM THE COURT FILE.

*Raynee H. Mercado*

RAYNEE H. MERCADO, CSR, RMR, CRR, FCRR, CCRR

MONDAY, OCTOBER 4, 2010