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22 UNITED STATES DISTRICT COURT  
 23 NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND DIVISION

24 ORACLE USA, INC., *et al.*,  
 25 Plaintiffs,  
 26 v.  
 27 SAP AG, *et al.*,  
 28 Defendants.

No. 07-CV-01658 PJH (EDL)

**DECLARATION OF LISA CHIN IN  
 SUPPORT OF ORACLE'S OPPOSITION  
 TO SAP'S MOTION FOR JMOL OR  
 NEW TRIAL**

1 I, Lisa Chin, declare that I am an attorney licensed to practice law in the State of  
2 California and am an associate at Bingham McCutchen LLP, counsel of record for plaintiffs  
3 Oracle USA, Inc., Oracle International Corporation, and Siebel Systems, Inc. (“Oracle” or  
4 “Plaintiffs”). I have personal knowledge of the facts stated below and could testify competently  
5 to them if required.

6 1. The following index to exhibits is intended to aid the Court’s reference to  
7 materials cited in Oracle’s opposition. The details for each exhibit follow the index, organized  
8 by the same roman numeral categories as reflected in the index. The boxes and highlighting in  
9 the attached exhibits have been added to further assist the Court in identifying the information  
10 cited in Oracle’s opposition.

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**I. TRANSCRIPTS**

2. Attached as **Exhibit A** are true and correct copies of excerpts of the trial transcript in this matter. The following portions of the trial transcript comprise **Exhibit A**:

Date(s)	Trial Transcript Pages	Description of Event
11/01/10	253-260	Discussion Regarding Admission of Contributory Infringement Evidence
11/02/10	306-309	Discussion Regarding Court's Rulings on Objections to Deposition Designations
11/02/10	418-421, 426-433	Testimony of Buffy Ransom
11/02/10	450-461, 466-473	Testimony of Edward Screven
11/04/10	499-502	Discussion Regarding Admission of Contributory Infringement Evidence
11/04/10	515-542	Testimony of Charles Phillips
11/04/10	595-602, 607-614, 619-622	Testimony of John Zepecki
11/05/10	653-664, 669-676	Testimony of Richard Allison
11/05/10	676-688, 693-696, 701-732	Testimony of Werner Brandt
11/08/10	758-769	Testimony of Lawrence Ellison
11/08/10	838-869	Testimony of Safra Catz
11/08/10 11/09/10 11/12/10	890-946, 967-1050, 1075-1082, 1312-1331	Testimony of Paul Meyer

	<b>Date(s)</b>	<b>Trial Transcript Pages</b>	<b>Description of Event</b>
1			
2	11/12/10	1196-1199	Discussion Regarding Admission of Contributory Infringement Evidence
3			
4	11/12/10	1380-1395	Testimony of Kevin Mandia
5	11/15/10	1445-1448	Court Instruction on Stipulated Facts
6	11/15/10	1453-1460, 1465-1468, 1481-1488, 1493-1504	Testimony of William McDermott
7	11/16/10	1540-1543, 1564-1575, 1580-	Testimony of Stephen Clarke
8	11/18/10	1587, 1628-1635, 1776-1779, 1860-1867	
9	11/19/10	1896-1911, 1920-1923	Testimony of Safra Catz
10	11/19/10	1980-1983	Discussion Regarding Jury Instructions
11	11/22/10	2097-2103	Oracle's Closing Argument
12	11/22/10	2014-2112, 2121-2124, 2133-	SAP's Closing Argument
13		2136, 2145-2148, 2169-2172	
14	11/22/10	2209-2220	Jury Instructions
15	11/23/10	2255-2258	Discussion Regarding Oracle's Rebuttal Argument

16                   3.       Attached as **Exhibit B** is a true and correct copy of relevant excerpts of  
17 the January 5, 2009 Shai Agassi Deposition, played to the jury on November 4, 2010.

18                   4.       Attached as **Exhibit C** is a true and correct copy of relevant excerpts of  
19 the April 30, 2008 and September 10, 2009 Terry Hurst Depositions, played to the jury on  
20 November 8, 2010.

21                   5.       Attached as **Exhibit D** is a true and correct copy of relevant excerpts of  
22 the April 24, 2008 Juan Jones Deposition, played to the jury on November 15, 2010.

23                   6.       Attached as **Exhibit E** is a true and correct copy of relevant excerpts of  
24 the September 26, 2008 Henning Kagermann Deposition, played to the jury on November 15,  
25 2010.

26                   7.       Attached as **Exhibit F** is a true and correct copy of relevant excerpts of the  
27 February 26, 2009 Andrew Nelson Deposition, played to the jury on November 18, 2010.

28                   8.       Attached as **Exhibit G** is a true and correct copy of relevant excerpts of

1 the December 10 and December 11, 2008 Gerhard Oswald Depositions, played to the jury on  
2 November 4 and 5, 2010.

3 9. Attached as **Exhibit H** is a true and correct copy of relevant excerpts of  
4 the September 30 and October 1, 2008 Thomas Ziemen Depositions, played to the jury on  
5 November 4, 2010.

6 **II. TRIAL EXHIBITS**

7 10. Attached as **Exhibit I** is a true and correct copy of Defendants' Trial  
8 Exhibit A-04027, admitted into evidence on November 5, 2010.

9 11. Attached as **Exhibit J** is a true and correct copy of Joint Trial Exhibit 1,  
10 admitted into evidence on November 9, 2010.

11 12. Attached as **Exhibit K** is a true and correct copy of Joint Trial Exhibit 2,  
12 admitted into evidence on November 9, 2010.

13 13. Attached as **Exhibit L** is a true and correct copy of Joint Trial Exhibit 4,  
14 admitted into evidence on November 9, 2010.

15 14. Attached as **Exhibit M** is a true and correct copy of Plaintiffs' Trial  
16 Exhibit 6, admitted into evidence on November 4, 2010.

17 15. Attached as **Exhibit N** is a true and correct copy of Plaintiffs' Trial  
18 Exhibit 7, admitted into evidence on November 4, 2010.

19 16. Attached as **Exhibit O** is a true and correct copy of excerpts of Plaintiffs'  
20 Trial Exhibit 11, admitted into evidence on November 4, 2010. Attached **Exhibit O** contains the  
21 first two pages of Plaintiff's Trial Exhibit 11.

22 17. Attached as **Exhibit P** is a true and correct copy of excerpts of Plaintiffs'  
23 Trial Exhibit 12, admitted into evidence on November 4, 2010. Attached **Exhibit P** contains  
24 pages 1, 2, 10 and 11 of Plaintiffs' Trial Exhibit 12.

25 18. Attached as **Exhibit Q** is a true and correct copy of excerpts of Plaintiffs'  
26 Trial Exhibit 13, admitted into evidence on November 8, 2010. Attached **Exhibit Q** contains  
27 pages 1 and 18 of Plaintiff's Trial Exhibit 13.

28 19. Attached as **Exhibit R** is a true and correct copy of excerpts of Plaintiffs'

1 Trial Exhibit 15, admitted into evidence on November 4, 2010. Attached **Exhibit R** contains  
2 pages 1 and 8 of Plaintiff's Trial Exhibit 15.

3 20. Attached as **Exhibit S** is a true and correct copy of excerpts of Plaintiffs'  
4 Trial Exhibit 19, admitted into evidence on November 4, 2010. Attached **Exhibit S** contains  
5 pages 1, 2, 7 and 8 of Plaintiffs' Trial Exhibit 19.

6 21. Attached as **Exhibit T** is a true and correct copy of excerpts of Plaintiffs'  
7 Trial Exhibit 23, admitted into evidence on November 8, 2010. Attached **Exhibit T** contains  
8 pages 1 and 14 of Plaintiffs' Trial Exhibit 23.

9 22. Attached as **Exhibit U** is a true and correct copy of excerpts of Plaintiffs'  
10 Trial Exhibit 24, admitted into evidence on November 4, 2010. Attached **Exhibit U** contains  
11 pages 1, 2, 4 and 6 of Plaintiffs' Trial Exhibit 24.

12 23. Attached as **Exhibit V** is a true and correct copy of Plaintiffs' Trial  
13 Exhibit 37, admitted into evidence on November 8, 2010.

14 24. Attached as **Exhibit W** is a true and correct copy of excerpts of Plaintiffs'  
15 Trial Exhibit 43, admitted into evidence on November 4, 2010. Attached **Exhibit W** contains  
16 the first two pages of Plaintiffs' Trial Exhibit 43.

17 25. Attached as **Exhibit X** is a true and correct copy of excerpts of Plaintiffs'  
18 Trial Exhibit 97, admitted into evidence on November 8, 2010. Attached **Exhibit X** contains the  
19 first two pages of Plaintiffs' Trial Exhibit 97.

20 26. Attached as **Exhibit Y** is a true and correct copy of excerpts of Plaintiffs'  
21 Trial Exhibit 141, admitted into evidence on November 4, 2010. Attached **Exhibit Y** contains  
22 pages 1-3, 5, 7, and 8 of Plaintiffs' Trial Exhibit 141.

23 27. Attached as **Exhibit Z** is a true and correct copy of excerpts of Plaintiffs'  
24 Trial Exhibit 157, admitted into evidence on November 4, 2010. Attached **Exhibit Z** contains  
25 the first three pages of Plaintiffs' Trial Exhibit 157.

26 28. Attached as **Exhibit AA** is a true and correct copy of excerpts of  
27 Plaintiffs' Trial Exhibit 161, admitted into evidence on November 4, 2010. Attached  
28 **Exhibit AA** contains pages 1, 4, and 24 of Plaintiffs' Trial Exhibit 161.

1                   29.     Attached as **Exhibit BB** is a true and correct copy of excerpts Plaintiffs'  
2 Trial Exhibit 171, admitted into evidence on November 5, 2010. Attached **Exhibit BB** contains  
3 pages 1-3 and 16 of Plaintiffs' Trial Exhibit 171.

4                   30.     Attached as **Exhibit CC** is a true and correct copy of excerpts of  
5 Plaintiffs' Trial Exhibit 177, admitted into evidence on November 4, 2010. Attached  
6 **Exhibit CC** contains the first two pages of Plaintiffs' Trial Exhibit 177.

7                   31.     Attached as **Exhibit DD** is a true and correct copy of excerpts of  
8 Plaintiffs' Trial Exhibit 245, admitted into evidence on November 4, 2010. Attached  
9 **Exhibit DD** contains pages 1, 6, and 12 of Plaintiffs' Trial Exhibit 245.

10                  32.     Attached as **Exhibit EE** is a true and correct copy of excerpts of  
11 Plaintiffs' Trial Exhibit 267, admitted into evidence on November 4, 2010. Attached  
12 **Exhibit EE** contains pages 1 and 5 of Plaintiffs' Trial Exhibit 267.

13                  33.     Attached as **Exhibit FF** is a true and correct copy of excerpts of Plaintiffs'  
14 Trial Exhibit 269, admitted into evidence on November 8, 2010. Attached **Exhibit FF** contains  
15 pages 1 and 13-18 of Plaintiffs' Trial Exhibit 269.

16                  34.     Attached as **Exhibit GG** is a true and correct copy of excerpts of  
17 Plaintiffs' Trial Exhibit 380, admitted into evidence on November 4, 2010. Attached  
18 **Exhibit GG** contains the first two pages of Plaintiffs' Trial Exhibit 380.

19                  35.     Attached as **Exhibit HH** is a true and correct copy of excerpts of  
20 Plaintiffs' Trial Exhibit 404, admitted into evidence on November 4, 2010. Attached  
21 **Exhibit HH** contains pages 1, 14, and 28 of Plaintiffs' Trial Exhibit 404.

22                  36.     Attached as **Exhibit II** is a true and correct copy of excerpts of Plaintiffs'  
23 Trial Exhibit 614, admitted into evidence on November 8, 2010. Attached **Exhibit II** contains  
24 the first page of the copy marked as Plaintiffs' Trial Exhibit 614, and the fifth page from a more  
25 legible version of the same document printed from the native file.

26                  37.     Attached as **Exhibit JJ** is a true and correct copy of excerpts of Plaintiffs'  
27 Trial Exhibit 615, admitted into evidence on November 8, 2010. Attached **Exhibit JJ** contains  
28 the first page of Plaintiffs' Trial Exhibit 615.

1                   38.     Attached as **Exhibit KK** is a true and correct copy of excerpts of  
2 Plaintiffs' Trial Exhibit 653, admitted into evidence on November 8, 2010. Attached  
3 **Exhibit KK** contains the first two pages of Plaintiffs' Trial Exhibit 653.

4                   39.     Attached as **Exhibit LL** is a true and correct copy of excerpts of  
5 Plaintiffs' Trial Exhibit 958, admitted into evidence on November 8, 2010. Attached  
6 **Exhibit LL** contains pages 1-2, 20, and 22 of Plaintiffs' Trial Exhibit 958.

7                   40.     Attached as **Exhibit MM** is a true and correct copy of excerpts of  
8 Plaintiffs' Trial Exhibit 960, admitted into evidence on November 8, 2010. Attached  
9 **Exhibit MM** contains the first two pages of Plaintiffs' Trial Exhibit 960.

10                  41.     Attached as **Exhibit NN** is a true and correct copy of Plaintiffs' Trial  
11 Exhibit 970, admitted into evidence on November 18, 2010.

12                  42.     Attached as **Exhibit OO** is a true and correct copy of excerpts of  
13 Plaintiffs' Trial Exhibit 984, admitted into evidence on November 8, 2010. Attached  
14 **Exhibit OO** contains the first two pages of Plaintiffs' Trial Exhibit 984.

15                  43.     Attached as **Exhibit PP** is a true and correct copy of excerpts of Plaintiffs'  
16 Trial Exhibit 2841, admitted into evidence on November 5, 2010. Attached **Exhibit PP** contains  
17 the first page of Plaintiffs' Trial Exhibit 2841.

18                  44.     Attached as **Exhibit QQ** is a true and correct copy of excerpts of  
19 Plaintiffs' Trial Exhibit 4809, admitted into evidence on November 8, 2010. Attached  
20 **Exhibit QQ** contains pages 1, 2, 59, and 60 of Plaintiffs' Trial Exhibit 4809.

21                  45.     Attached as **Exhibit RR** is a true and correct copy of excerpts of  
22 Plaintiffs' Trial Exhibit 4811, admitted into evidence on November 4, 2010. Attached  
23 **Exhibit RR** contains pages 1, 4, and 30 of Plaintiffs' Trial Exhibit 4811.

24                  46.     Attached as **Exhibit SS** is a true and correct copy of excerpts of Plaintiffs'  
25 Trial Exhibit 4814, admitted into evidence on November 8, 2010. Attached **Exhibit SS** contains  
26 pages 1, 2, and 11 of Plaintiffs' Trial Exhibit 4814.

27                  47.     Attached as **Exhibit TT** is a true and correct copy of Plaintiffs' Trial  
28 Exhibit 4822, admitted into evidence on November 9, 2010.

1                   48.     Attached as **Exhibit UU** is a true and correct copy of Plaintiffs' Trial  
2 Exhibit 7028, admitted into evidence on November 18, 2010.

3 **III. MISCELLANEOUS**

4                   49.     Attached as **Exhibit VV** is a true and correct copy of the Court's  
5 November 2, 2010 Rulings on SAP's Objections to Oracle's Deposition Designations.

6                   50.     I am informed and believe that ECF pages 8, 15, 26, 30, 31, 33, 34, 36,  
7 and 37 of Exhibit 38 to the Lanier Declaration ISO SAP's Motion for JMOL or New Trial, Dkt.  
8 1045-38, were not presented to the jury during Paul Meyer's testimony on November 8 and 9,  
9 2011. (Note that these page numbers refer to those imprinted by the Court's filing system, not  
10 the slide numbers shown on the bottom of each page.) I am informed and believe that ECF  
11 pages 54, 55, 56, 58, 75, 77, and 82 of Exhibit 38 were not also not presented to the jury; instead,  
12 ECF pages 83, 84, 85, 86, 87, 88, and 89 of Exhibit 38 were presented in their place,  
13 respectively.

14                   I declare under penalty of perjury under the laws of the United States that the  
15 foregoing facts are true and correct, and that this Declaration was executed on April 8, 2011 in  
16 San Francisco, California.

17 

18 \_\_\_\_\_  
19 Lisa Chin