

EXHIBIT I

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
Case No. 07-cv-01638 PHH/EKL
DEFENDANT Exhibit No. A-4027
Date Admitted: 11/3/10
By: *MM*
Nicole Haiman, Deputy Clerk

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Brandt, Werner

Von: Mackey, James
Gesendet: Samstag, 15. Januar 2005 19:56
An: Brandt, Werner
Cc: Crean, Tim; Brubaker, Brad; Shenkman, Arlen
Betreff: TomorrowNow
Vertraulichkeit: Privat

HIGHLY CONFIDENTIAL

Hallo Werner,

Per our conversation, you requested that I write a description regarding the means by which TomorrowNow provides support services.

We are not able to review the PSFT license agreements, however, what we understand is that each PeopleSoft license agreement permits third party independent contractors to perform services in a separate non-productive use test and demo environment. The customer creates a separate instance of the software and it is either hosted by TomorrowNow or the customer provides remote access. The customer confirms with their attorneys if the services contemplated are permitted under each such separate license agreement and if so, informs TomorrowNow and indemnifies TomorrowNow for performing the services in the agreement between TomorrowNow and the specific customer. Once the separate instance is created, the customer provides access to TomorrowNow and TomorrowNow can provide bug fixes and support for "serious issues" only. TomorrowNow specifically excludes support on customizations and code which is not stable or mature. TomorrowNow also provides the regulatory and tax updates remotely for each separate customer. Each customer has a separate library with upgrades or patches received from PeopleSoft and the customer is only permitted to access those upgrades and patches permitted under its license agreement with PSFT and based upon the date that the customer terminated maintenance. Via this business model, TomorrowNow does not have to go to the customer site. All of the services and the code provided by TomorrowNow are considered modifications and owned by PeopleSoft.

REDACTED

If you have any questions, please contact me.

Best regards,
Jim

17.01.2005

HIGHLY CONFIDENTIAL INFORMATION - ATTORNEYS' EYES ONLY



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