

Robert A. Mittelstaedt (SBN 060359)
Jason McDonell (SBN 115084)
Elaine Wallace (SBN 197882)
JONES DAY
555 California Street, 26th Floor
San Francisco, CA 94104
Telephone: (415) 626-3939
Facsimile: (415) 875-5700
ramittelstaedt@jonesday.com
jmcdonell@jonesday.com
ewallace@jonesday.com

Tharan Gregory Lanier (SBN 138784)
Jane L. Froyd (SBN 220776)
JONES DAY
1755 Embarcadero Road
Palo Alto, CA 94303
Telephone: (650) 739-3939
Facsimile: (650) 739-3900
tglanier@jonesday.com
jffroyd@jonesday.com

Scott W. Cowan (Admitted *Pro Hac Vice*)
Joshua L. Fuchs (Admitted *Pro Hac Vice*)
JONES DAY
717 Texas, Suite 3300
Houston, TX 77002
Telephone: (832) 239-3939
Facsimile: (832) 239-3600
swcowan@jonesday.com
jlfuchs@jonesday.com

Attorneys for Defendants
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)

**REPLY DECLARATION OF THARAN
GREGORY LANIER IN SUPPORT OF
DEFENDANTS' REPLY IN SUPPORT OF
DEFENDANTS' RENEWED MOTION FOR
JUDGMENT AS A MATTER OF LAW AND NEW
TRIAL MOTION**

Date: July 13, 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 A** is a true and correct copy of the following excerpts from
9 FTC, The Evolving IP Marketplace: Aligning Patent Notice and Remedies with Competition
10 (2011): pp. 23-24.

11 2. Attached as **Exhibit B** are true and correct copies of the following excerpts from
12 the official trial transcript dated November 1, 2010: 243:4-25.

13 3. Attached as **Exhibit C** are true and correct copies of the following excerpts from
14 the official trial transcript dated November 9, 2010: 1133:3-8 and 1170:8-1171:6.

15 4. Attached as **Exhibit D** are true and correct copies of the following excerpts from
16 the official trial transcript dated November 12, 2010: 1260:15-24 and 1354:21-1355:5.

17 5. Attached as **Exhibit E** are true and correct copies of the following excerpts from
18 the official trial transcript dated November 23, 2010: 2255:7-2257:16.

19 6. Attached as **Exhibit F** is a true and correct copy of Exhibit HH to the Declaration
20 of Lisa Chin in Support of Oracle’s Opposition to SAP’s Motion for JMOL or New Trial
21 (excerpts from Plaintiffs’ Trial Exhibit PTX 404), along with the following additional excerpt
22 from PTX 404: SAP-OR00007485.

23 7. Attached as **Exhibit G** are true and correct copies of the unpublished cases cited in
24 Defendants’ Reply in Support of Defendants’ Renewed Motion for Judgment as a Matter of Law
25 and New Trial Motion.

1 I declare under penalty of perjury under the laws of the United States and the State of
2 California that the foregoing is true and correct. Executed this 27th day of April, 2011 in
3 Palo Alto, California.

4 /s/ Tharan Gregory Lanier
5 Tharan Gregory Lanier
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28