

1 BINGHAM MCCUTCHEN LLP
 DONN P. PICKETT (SBN 72257)
 2 GEOFFREY M. HOWARD (SBN 157468)
 HOLLY A. HOUSE (SBN 136045)
 3 ZACHARY J. ALINDER (SBN 209009)
 BREE HANN (SBN 215695)
 4 Three Embarcadero Center
 San Francisco, CA 94111-4067
 5 Telephone: 415.393.2000
 Facsimile: 415.393.2286
 6 donn.pickett@bingham.com
 geoff.howard@bingham.com
 7 holly.house@bingham.com
 zachary.alinder@bingham.com
 8 bree.hann@bingham.com

9 BOIES, SCHILLER & FLEXNER LLP
 DAVID BOIES (Admitted Pro Hac Vice)
 10 333 Main Street
 Armonk, NY 10504
 Telephone: (914) 749-8200
 11 Facsimile: (914) 749-8300
 dboies@bsflp.com
 12 STEVEN C. HOLTZMAN (SBN 144177)
 FRED NORTON (SBN 224725)
 13 1999 Harrison St., Suite 900
 Oakland, CA 94612
 14 Telephone: (510) 874-1000
 Facsimile: (510) 874-1460
 15 sholtzman@bsflp.com
 16 fnorton@bsflp.com

17 DORIAN DALEY (SBN 129049)
 JENNIFER GLOSS (SBN 154227)
 18 500 Oracle Parkway, M/S 5op7
 Redwood City, CA 94070
 Telephone: 650.506.4846
 19 Facsimile: 650.506.7144
 dorian.daley@oracle.com
 20 jennifer.gloss@oracle.com

21 Attorneys for Plaintiffs Oracle USA, Inc., *et al.*

22 UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 23 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 ZACHARY J. ALINDER
 IN SUPPORT OF OPPOSITION TO MOTION
 FOR APPROVAL OF SECURITY**

Date: June 29, 2011

Time: 9:00 a.m.

Place: 3rd Floor, Courtroom 3

Judge: Hon. Phyllis J. Hamilton

1 I, Zachary J. Alinder, declare as follows:

2 1. I am an attorney licensed to practice law in the State of California and am
3 a partner at Bingham McCutchen LLP, counsel of record for plaintiffs Oracle USA, Inc., Oracle
4 International Corporation, and Siebel Systems, Inc. (collectively, "Oracle"). I have personal
5 knowledge of the facts stated within this Declaration and could testify competently to them if
6 required. Unless otherwise noted below, Oracle has provided all highlighting in these Exhibits to
7 further assist in identifying the information relevant to Oracle's Opposition to SAP's Motion for
8 Approval of Security.

9 2. Attached as **Exhibit A** is a true and correct copy of an April 29, 2011
10 email from me to counsel for Defendants, Jane Froyd, regarding Oracle's request to meet and
11 confer on the proposed bond. I did not receive a response to this message.

12 3. Attached as **Exhibit B** is a true and correct copy of a May 11, 2011 email
13 from me to counsel for Defendants, Jane Froyd, re-confirming Oracle's request to meet and
14 confer and further stating: "Our hope is that the Parties will be able to stipulate that the bond
15 secured by SAP complies with the Court's order and provides adequate security under Rule 62
16 and Local Rule 65.1."

17 4. Attached as **Exhibit C** is a true and correct copy of a May, 16, 2011 email
18 from counsel for Defendants, Jane Froyd, to me including the attached bond format that Ms.
19 Froyd stated "Defendants intend to file this week."

20 5. Attached as **Exhibit D** is a true and correct copy of a May 18, 2011 email
21 from me to counsel for Defendants, Jane Froyd, providing Oracle's proposed revisions to SAP's
22 proposed bond format, along with the attached redline and clean versions of the bond language,
23 and an explanation for the revisions in the body of the email.

24 6. Attached as **Exhibit E** is a true and correct copy of the redline version of
25 Oracle's proposed revisions to SAP's proposed bond format, emailed by me to counsel for
26 Defendants on May 18, 2011.

27 7. Attached as **Exhibit F** is a true and correct copy of a May 19, 2011 email
28 from counsel for Defendants, Jane Froyd, to me rejecting Oracle's proposed revisions.

