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20 UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
21 OAKLAND DIVISION

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

No. 07-CV-01658 PJH (EDL)

**DECLARATION OF KYLE ZIPES IN
SUPPORT OF MOTION FOR LEAVE TO
FILE MOTION FOR RECONSIDERATION
REGARDING SAVED DEVELOPMENT
COSTS**

1 I, Kyle Zipes, 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 International Corporation (“Oracle” or “Plaintiffs”). I have personal knowledge of the
4 facts stated below and could testify competently to them if required.

5 1. I submit this declaration in support of Oracle’s Motion For Leave To File
6 Motion for Reconsideration Regarding Saved Development Costs. The boxes and highlighting
7 in the attached exhibits have been added to further assist the Court in identifying the information
8 cited in Oracle’s Motion.

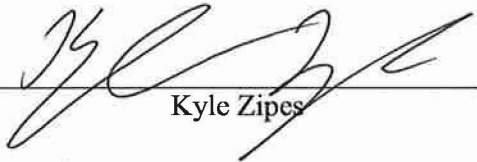
9 2. Attached as **Exhibit A** is a true and correct copy of relevant excerpts of
10 the September 30, 2010 hearing in this matter.

11 3. Attached as **Exhibit B** are true and correct copies of excerpts of the trial
12 transcript in this matter. The following portions of the trial transcript comprise **Exhibit B**:

Date(s)	Trial Transcript Pages	Description of Event
11/22/10	2135, 2138, 2167	SAP’s Closing Argument

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

18 April 17, 2012



Kyle Zipes

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