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Attorneys for Plaintiff
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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-01658 PJH (EDL)

ORACLE'S TRIAL WITNESS LIST

Date: June 18, 2012
 Time: 8:30 am
 Place: 3rd Floor, Courtroom 3
 Judge: Hon. Phyllis J. Hamilton

1 Plaintiff Oracle International Corporation (“Oracle”) respectfully submits this Witness
2 List identifying witnesses to be called either live or by deposition at trial, pursuant to the Court’s
3 February 28, 2012 Pretrial Order re Retrial (Docket # 1110) and Federal Rule of Civil Procedure
4 26(a). Pursuant to the Court’s pretrial instructions, this list identifies all witnesses Oracle
5 expects to call at trial, in person or by deposition, other than solely for impeachment or rebuttal
6 purposes. Oracle reserves the right to call additional witnesses for purposes of impeachment or
7 rebuttal at trial. Oracle also reserves the right to call any witness, either live or by deposition,
8 identified on the witness lists of Defendants SAP AG, SAP America, Inc., and TomorrowNow,
9 Inc. (collectively “SAP”).

10 Oracle reserves the right to narrow or amend this Witness List to account for court
11 rulings, further proceedings, further stipulations, or further meet and confer between the Parties.

12 Contact information for each witness has been exchanged during the course of discovery.
13 All Oracle affiliated witnesses must continue to be contacted through Oracle’s counsel of record.

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15 **ORACLE’S WITNESS LIST**

16 Witness	17 Affiliation	18 Brief Description of Substance of Testimony
19 Allison, Richard	Oracle	Oracle license agreements; Oracle licensing practices, pricing and contracts; Oracle Websites and Terms of Use
20 Catz, Safra	Oracle	ERP software market and competition; PeopleSoft acquisition; Siebel acquisition; Oracle customer relationships; Oracle financial information; Hypothetical license expectations; Oracle support organization metrics and reports; Oracle business structure and management; Oracle software support; Oracle maintenance revenue; Impact of SAP’s acquisition of TN on Oracle; Harm to Oracle

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Witness	Affiliation	Brief Description of Substance of Testimony
Duggan, Paul	Oracle	Harm to Oracle, including customer decision making
Ellison, Lawrence	Oracle	History and development of Oracle; Oracle business structure and management; Oracle product development information; Oracle software support; Oracle maintenance revenue; PeopleSoft acquisition; Siebel acquisition; Impact of SAP's acquisition of TN on Oracle; Harm to Oracle; ERP software competition/market; Hypothetical license expectations; Oracle financial results
Guner, Ivgen	Oracle	Oracle financial information
Henslee, Robbin	Oracle	Harm to Oracle, including customer decision making
Kehring, Douglas	Oracle	Harm to Oracle; PeopleSoft acquisition; IP valuation
Kishore, Ann	Oracle	Oracle corporate structure; Licensing; Inter-entity payments
McMillan, Eileen	Oracle	Oracle financial information
Phillips, Charles	Oracle	Oracle business structure and management; PeopleSoft acquisition; Siebel acquisition; Impact of SAP's acquisition of TN on Oracle; Harm to Oracle; Oracle financial information; Oracle customer relationships; Oracle sales and marketing; Oracle maintenance revenue; Hypothetical license expectations

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Witness	Affiliation	Brief Description of Substance of Testimony
Poplack, Michael	Oracle	Harm to Oracle; Defendants' knowledge of liability
Ransom, Buffy	Oracle	Customer Connection website; Downloading investigation; Damage/harm to Oracle's data/systems; JD Edwards products, development and support; JD Edwards copyrights; Oracle licensing practices and contracts; Copyright ownership/authorship; Customer decision making
Rozwat, Charles	Oracle	Harm to Oracle, including customer decision making; Software development
Screven, Edward	Oracle	Oracle product development; PeopleSoft, JD Edwards, and Siebel product lines; Oracle Database Software products; Copyrights; Oracle business structure and management; Derivative works; Harm to Oracle; Oracle financial information; Oracle customer relationships; Oracle sales and marketing; Oracle copyrighted software and support materials
Sim, Judith	Oracle	Harm to Oracle, including customer decision making
Agassi, Shai	SAP	SAP's acquisition of TN; TN business case and projections; SAP's knowledge, oversight and direction of SAP TN's activities; Benefits of TN acquisition; Safe Passage and SAP TN marketing; SAP TN geographical and product expansions; ERP software competition/market; SAP corporate history and structure

Witness	Affiliation	Brief Description of Substance of Testimony
Apotheker, Leo	SAP	SAP's acquisition of TN; TN business case and projections; SAP's knowledge, oversight and direction of SAP TN's activities; Benefits of SAP TN acquisition; Safe Passage and SAP TN marketing; SAP TN geographical and product expansions; SAP and SAP TN post-litigation activities
Brandt, Werner	SAP	SAP's acquisition of TN; TN business case and projections; SAP's knowledge, oversight and direction of SAP TN's activities; Benefits of TN acquisition; Safe Passage and SAP TN marketing; SAP and SAP TN post-litigation activities
Breuer, Martin	SAP	SAP's acquisition of TN; SAP's knowledge, oversight and direction of SAP TN's activities; Benefits of SAP TN acquisition; Safe Passage and SAP TN marketing; SAP TN geographical and product expansions; SAP and SAP TN post-litigation activities
Hurst, Terry	SAP	Safe Passage program; Benefits of TN acquisition; SAP's knowledge, oversight and direction of SAP TN's activities
Kagermann, Henning	SAP	SAP's acquisition of TN; TN business case and projections; SAP's knowledge, oversight and direction of SAP TN's activities; Benefits of TN acquisition; Safe Passage and SAP TN marketing; SAP TN geographical and product expansions; SAP/TN post-litigation activities; ERP software market; SAP TN downloading from Oracle websites
Mackey, James	SAP	SAP's acquisition of TN
Oswald, Gerhard	SAP	SAP's acquisition of TN; TN business case and projections SAP's knowledge, oversight and direction of SAP TN's activities; Benefits of TN acquisition; Safe Passage and SAP TN marketing; SAP/TN post-litigation activities; SAP TN geographical and product expansions
Plattner, Hasso	SAP	SAP corporate history and structure; SAP's acquisition of TN
Scholten, Jochen	SAP	Oracle Database Software and SAP TN licenses; Oracle/SAP Reseller Agreement
Schraeder, Georg	SAP	Oracle Database Software and SAP TN licenses; Oracle/SAP Reseller Agreement

Witness	Affiliation	Brief Description of Substance of Testimony
Shenkman, Arlen	SAP	SAP's acquisition of TN
Tseng, Stephen	SAP	SAP's acquisition of TN; SAP's knowledge, oversight and direction of SAP TN's activities
Welz, Bernd	SAP	SAP's acquisition of TN; SAP's knowledge, oversight and direction of SAP TN's activities; SAP TN geographical and product expansions
White, Mark	SAP	SAP's acquisition of TN; SAP's knowledge, oversight and direction of SAP TN's activities; Benefits of TN acquisition; Safe Passage and SAP TN marketing; SAP/TN post-litigation activities; Oracle Database Software and SAP TN licenses
Zepecki, John	SAP	SAP's acquisition of TN; TN business case and projections
Ziemen, Thomas	SAP	SAP's acquisition of TN; SAP's knowledge, oversight and direction of SAP TN's activities; Benefits of TN acquisition; Safe Passage and SAP TN marketing; SAP and SAP TN post-litigation activities
Bamberger, Thomas	SAP	SAP's acquisition of TN; TN business case and projections; Benefits of TN acquisition
McDermott, Bill	SAP	SAP's acquisition of TN; TN business case and projections SAP's knowledge, oversight and direction of SAP TN's activities; Benefits of TN acquisition; Safe Passage and SAP TN marketing;
Baugh, John	TomorrowNow	SAP TN downloading from Oracle websites; TN copying, public display, modification, distribution and use of Oracle software; SAP TN business model and support services; SAP TN post-litigation activities; Oracle Database Software and SAP TN licenses; SAP TN spoliation and document destruction
Garafola, Michael	TomorrowNow	SAP TN business model and support services; SAP TN downloading from Oracle websites; SAP TN copying, modification, distribution and use of Oracle software and support materials

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Witness	Affiliation	Brief Description of Substance of Testimony
Geib, Bob	TomorrowNow	SAP TN business model and support services; SAP TN/Customer communications; TN sales practices and results; Safe Passage and SAP TN marketing; SAP's knowledge, oversight and direction of SAP TN's activities
Kreutz, Mark	TomorrowNow	SAP TN downloading from Oracle websites; SAP TN copying, modification, distribution and use of Oracle software and support materials; SAP TN business model and support services; SAP TN postlitigation activities; SAP TN/Customer communications; SAP's knowledge, oversight and direction of SAP TN's activities
Loftus, Lesley	TomorrowNow	Safe Passage and SAP TN marketing; TN customer communications; SAP's knowledge, oversight and direction of SAP TN's activities; SAP TN business model and support services
Nelson, Andrew	TomorrowNow	SAP TN history and corporate structure; SAP TN business model and support services; Third party support market; SAP TN copying, modification, distribution and use of Oracle software and support materials; Oracle Database Software and SAP TN licenses; SAP TN/Customer communications; SAP TN sales practices and results; SAP's acquisition of TN; SAP's knowledge, oversight and direction of SAP TN's activities; Safe Passage and SAP TN marketing; SAP TN geographical and product expansions; SAP and SAP TN post-litigation activities
Nelson, Gregory	TomorrowNow	TN history and corporate structure; SAP TN business model and support services; SAP's acquisition of TN; SAP's knowledge, oversight and direction of SAP TN's activities; SAP TN downloading from Oracle websites; Development and testing of SAP TN automated download tools; SAP TN spoliation and document destruction; SAP and SAP TN post-litigation activities; Oracle Database Software and SAP TN licenses

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Witness	Affiliation	Brief Description of Substance of Testimony
Nelson, Shelley	TomorrowNow	SAP TN history and corporate structure; SAP TN downloading from Oracle websites; SAP TN copying, modification, distribution, public display and use of Oracle software and support materials; SAP TN business model and support services; SAP TN post-litigation activities; Oracle Database Software and SAP TN licenses; SAP TN/Customer communications; SAP's acquisition of TN; SAP's knowledge, oversight and direction of SAP TN's activities
O'Neil, Owen	TomorrowNow	SAP TN downloading from Oracle websites; SAP TN copying, modification, distribution and use of Oracle software and support materials; SAP TN business model and support services; SAP TN post-litigation activities; SAP TN geographical and product expansions; SAP's knowledge, oversight and direction of SAP TN's activities
Osterloh, Eric	TomorrowNow	SAP TN business model; SAP's acquisition of TN; Safe Passage and SAP TN marketing; SAP TN/Customer communications; SAP TN customer contracts and licensing; SAP TN sales practices and results; SAP's knowledge, oversight and direction of SAP TN's activities
Phillips, Spencer	TomorrowNow	SAP TN business model; Safe Passage and SAP TN marketing; SAP TN/Customer communications; SAP TN customer contracts and licensing; SAP TN sales practices and results; SAP's knowledge, oversight and direction of SAP TN's activities
Ritchie, John	TomorrowNow	SAP TN business model and support services; SAP TN downloading from Oracle websites; development and testing of SAP TN automated download tools; SAP TN spoliation and document destruction
Thomas, William	TomorrowNow	SAP TN servers and network structure; SAP TN business model and support services; SAP TN copying, modification, distribution and use of Oracle software and support materials; Oracle Database Software and SAP TN licenses; SAP's knowledge, oversight and direction of SAP TN's activities

Witness	Affiliation	Brief Description of Substance of Testimony
Ravin, Seth	TomorrowNow/ Rimini Street	SAP TN history and corporate structure; SAP TN business model and support services; SAP's acquisition of TN; SAP's knowledge, oversight and direction of SAP TN's activities; Safe Passage and SAP TN marketing; SAP TN geographical and product expansions; SAP TN/Customer communications; SAP TN sales practices and results; Rimini Street history and corporate structure; Rimini Street business model
Hallenberger, Tracy	Baker Botts LLP	Baker Botts software licenses and software support services
O'Donnell, Jeffrey	Lexmark	Lexmark software licenses and software support services
Wasson, Robert	McLennan County	McLennan County software licenses and software support services
Singh, Bruno	NBC Universal	NBC Universal software licenses and software support services
Kreul, John	Pepsi Americas, Inc.	Pepsi software licenses and software support services
Anderson, Mark	Travel Centers of America	Travel Centers software licenses and software support services
Cooley, Paul	Waste Management	Waste Management software licenses and software support services
Levy, Daniel	Expert	Statistical analyses supporting Mr. Mandia's analysis; analysis of regression analyses performed by Defendants' expert, Stephen Clarke
Mandia, Kevin	Expert	Copying, modification, distribution and use of Oracle software and support materials; nature and effect of access to Oracle websites
Meyer, Paul	Expert	Damages
Pinto, Paul	Expert	Avoided development costs, delays and risks
Oracle Custodian(s) of Records	Oracle	Authentication and admission of documents, as needed
Oracle Business Records Declarant(s)	Oracle	Authentication and admission of documents, as needed

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DATED: April 26, 2012

Bingham McCutchen LLP

By: /s/ Geoffrey M. Howard
 Geoffrey M. Howard
 Attorneys for Plaintiff
 Oracle International Corporation