

1 Robert A. Mittelstaedt (SBN 060359)
 Jason McDonell (SBN 115084)
 2 Elaine Wallace (SBN 197882)
 JONES DAY
 3 555 California Street, 26th Floor
 San Francisco, CA 94104
 4 Telephone: (415) 626-3939
 Facsimile: (415) 875-5700
 5 ramittelstaedt@jonesday.com
 jmcdonell@jonesday.com
 6 ewallace@jonesday.com

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

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

17 Attorneys for Defendants
 SAP AG, SAP AMERICA, INC., and
 18 TOMORROWNOW, INC.

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

23 ORACLE USA, INC., et al.,

24 Plaintiffs,

25 v.

26 SAP AG, et al.,

27 Defendants.

Case No. 07-CV-1658 PJH (EDL)

**DECLARATION OF THARAN
 GREGORY LANIER IN SUPPORT OF
 DEFENDANTS' MOTIONS *IN LIMINE***

Date: May 24, 2012

Time: 2:30 p.m.

Place: 3rd Floor, Courtroom 3

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., and
4 TomorrowNow, Inc. (collectively, “Defendants”) in the above-captioned matter. I am a member
5 in good standing of the state bar of California and admitted to practice before this Court. I make
6 this declaration based on personal knowledge and, if called upon to do so, could testify
7 competently thereto.

8 1. Attached as **Exhibit 1** is a true and correct copy of relevant excerpts from the May
9 12, 2010 deposition of Paul K. Meyer.

10 2. Attached as **Exhibit 2** is a true and correct copy of relevant excerpts from the May
11 13, 2010 deposition of Paul K. Meyer.

12 3. Attached as **Exhibit 3** is a true and correct copy of relevant excerpts from the May
13 14, 2010 deposition of Paul K. Meyer.

14 4. Attached as **Exhibit 4** is a true and correct copy of a document titled “Causes of
15 Action,” marked as Defendants’ Deposition Exhibit 2017.

16 5. Attached as **Exhibit 5** is a true and correct copy of Schedule 42.2.DU to the Expert
17 Report of Paul K. Meyer, marked as Defendants’ Deposition Exhibit 2020.

18 6. Attached as **Exhibit 6** is a true and correct copy of a document titled “Updated
19 Summary of Oracle’s Lost Profits,” marked as Defendants’ Deposition Exhibit 2024.

20 7. Attached as **Exhibit 7** is a true and correct copy of relevant excerpts from the
21 February 23, 2010 Supplemental Expert Report of Paul K. Meyer.

22 8. Attached as **Exhibit 8** is a true and correct copy of a June 25, 2009 e-mail
23 exchange between my colleague, Jason McDonell, and Holly House, former counsel for
24 Plaintiffs.

25 9. Attached as **Exhibit 9** is a true and correct copy of a June 26, 2009 e-mail
26 exchange between Amy Donnelly, former counsel for Plaintiffs, and Mr. McDonell.

27 10. Attached as **Exhibit 10** is a true and correct copy of a January 19, 2010 e-mail
28 exchange between Ms. House and Mr. McDonell.

