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17 18	Attorneys for Defendants SAP AG, SAP AMERICA, INC., and TOMORROWNOW, INC.	
19	UNITED STATE	ES DISTRICT COURT
20	NORTHERN DIST	RICT OF CALIFORNIA
21	OAKLA	ND DIVISION
22		
23	ORACLE USA, INC., et al.,	Case No. 07-CV-1658 PJH (EDL)
24	Plaintiffs,	DECLARATION OF THARAN GREGORY LANIER IN SUPPORT OF
25	V.	DEFENDANTS' MOTIONS IN LIMINE
26	SAP AG, et al.,	Date: May 24, 2012 Time: 2:30 p.m.
27	Defendants.	Place: 3rd Floor, Courtroom 3 Judge: Hon. Phyllis J. Hamilton
28		LANIER DECLARATION IN SUPPORT OF DEFENDANTS' MOTIONS <i>IN LIMINE</i> Case No. 07-CV-1658 PJH (EDL)

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.	

1	11. Attached as Exhibit 11 is a true and correct copy of a relevant excerpt of	
2	Plaintiffs' Fourth Supplemental and Amended Initial Disclosure served on March 30, 2010.	
3	12. Attached as Exhibit 12 is a true and correct copy of relevant demonstratives	
4	Oracle displayed to the jury in its opening statement at the November 2010 trial in this case.	
5	13. Attached as Exhibit 13 is a true and correct copy of relevant demonstratives	
6	Oracle displayed to the jury in its closing argument at the November 2010 trial in this case.	
7	14. Attached as Exhibit 14 is a true and correct copy of relevant demonstratives Paul	
8	K. Meyer displayed to the jury during his testimony at the November 2010 trial in this case.	
9	15. Attached as Exhibit 15 is a true and correct copy of Joint Trial Exhibit No. 6.	
10	16. Attached as Exhibit 16 is a true and correct copy of Plaintiffs' Proposed Jury	
11	Instruction regarding "Copyright Damages—Infringer's Profits."	
12	17. Attached as Exhibit 17 is a true and correct copy of Plaintiffs' Proposed Jury	
13	Instructions regarding "Copyright Damages—Willful Infringement."	
14	18. Attached as Exhibit 18 is a true and correct copy of relevant excerpts of the	
15	official trial transcripts for the following dates: November 1, 2010; November 2, 2010; November	
16	4, 2010; November 8, 2010; November 9, 2010; November 12, 2010; November 16, 2010;	
17	November 18, 2010; November 22, 2010; November 23, 2010.	
18	19. Attached as Exhibit 19 is a true and correct copy of <i>Luke v. Family Care &</i>	
19	Urgent Med. Clinics, 323 Fed. App'x 496 (9th Cir. 2009).	
20	20. Attached as Exhibit 20 is a true and correct copy of <i>United States v. 14.3 Acres of</i>	
21	Land, No. 07-cv-886, 2011 WL 2414348 (S.D. Cal. June 10, 2011).	
22	I declare under penalty of perjury under the laws of the United States and the State of	
23	California that the foregoing is true and correct.	
24	Executed this 26th day of April, 2012 in San Francisco, California.	
25		
26	/s/ Tharan Gregory Lanier Tharan Gregory Lanier	
27	Thatan Gregory Lamer	
28	SVI-107149v2	