

EXHIBIT 10



Subject:
RE: Supplemental Discovery and Expert Deposition Scheduling

From:
House, Holly
01/19/2010 12:47 PM

To:
'Jason McDonell'

Cc:
"Donnelly, Amy", "Hann, Bree", "Russell, Chad", "Pickett, Donn", "Elaine Wallace",
"Howard, Geoff", "Jane L Froyd", "Joshua L Fuchs", "Polito, John A.", "Lee, Lisa", "Jindal,
Nitin", "Scott Cowan", "Alinder, Zachary J.", "Patrick Delahunty", "Greg Lanier",
"Jacqueline K. S. Lee", "Jeffrey M Butler"
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History: This message has been replied to and forwarded.

Jason:

In response to your proposed deposition schedule for Oracle's experts, Oracle raises the following issues and conditions.

First, in addition to the below concerns, the dates you provide for Mr. Meyer and Mr. Mandia are unworkable given that their supplemental reports are not even submitted (again, per our prior emails, because of Defendants' delays in providing necessary inputs). We currently plan to serve an additional errata for Mr. Mandia within a week, and a supplemental report in February. Mr. Meyer's supplemental report awaits Defendants' benchmark material and will be provided in a reasonable time after its receipt and after Mr. Mandia's supplemental analysis of Defendants' late-provided database discovery.

Second, the proposed schedule appears to deviate from standard practice. We note that you do not confirm that the proposed dates would be the only depositions of Oracle's experts, a condition on which we have insisted (and is normal) from the beginning of our discussions. Given that Oracle's experts will be considering and likely responding at trial to Defendant's experts, depositions of them taken before they have had a chance to review Defendants' experts' reports will not preclude Oracle's experts from providing responsive opinions to Defendants' experts' opinions at trial. If you want to know what those will be, you need to take Oracle's experts' depositions after they have had adequate time to digest your experts' reports. Of course, if there are Oracle experts whose reports you do not intend to respond to with expert opinions, those experts could be deposed before your expert reports are submitted without any danger of unknown additional responsive opinions at trial. Accordingly, unless you are prepared to agree that these are the only depositions you will get of Plaintiffs' experts, these depositions need to be scheduled in coordination with Defendants' experts starting in mid to late May.

Third, we continue to resist three days of deposition of any expert. It is too much and unnecessary given the detail provided in the reports and given the scope of expert depositions that need to be done in what seems the logical timeframe for both sides to take depositions to secure full trial testimony.

Once we know your positions on these topics, we can work on scheduling.

Thanks, Holly

From: Jason McDonell [<mailto:jmcdonell@JonesDay.com>]

Sent: Friday, January 15, 2010 3:18 PM

To: House, Holly

Cc: Donnelly, Amy; Hann, Bree; Russell, Chad; Pickett, Donn; Elaine Wallace; Howard, Geoff; Jane L Froyd; Joshua L Fuchs; Polito, John A.; Lee, Lisa; Jindal, Nitin; 'Scott Cowan'; Alinder, Zachary J.; Patrick Delahunty; Greg Lanier; Jacqueline K. S. Lee; Jeffrey M Butler

Subject: Supplemental Discovery and Expert Deposition Scheduling

Counsel,

We write to update you on our response to Judge Laporte's Order on Plaintiffs' Motion to Compel and on scheduling of depositions of Plaintiffs' experts.

TEXT REMOVED - NOT RELEVANT

Expert Depositions

On the subject of expert deposition scheduling, we propose the following dates:

Tourniaire	February 2
Lichtman	February 12
Levy	February 19
Meyer	February 22, 23, and 24.
Mandia	March 3, 4, and 5.
Pinto	March 16.

We continue to believe that three days each is reasonable for the depositions of Mr. Mandia and Mr. Meyer, given the complexity of the issues and volume of material to be covered. Oracle has taken numerous multi-day depositions of fact witnesses in this case. We are prepared to demonstrate that fact to Judge Laporte and we believe that three days is not an unreasonable request for these two expert witnesses.

Please let us know if this schedule will work.

Thanks.

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Date: 01/08/2010 02:33 PM
Subject: Defendants' overdue productions and answers and impact on Oracle expert reports and depositions

Jason, Scott and all:

We continue to await Defendants' overdue provision of material necessary to finalize supplementation of our experts' reports. This includes the benchmark license information Magistrate Laporte ordered Defendants produce on December 2, 2009, for which Oracle provided a proposal on December 3, and which Defendants promised would be produced and answered before Christmas; a response to Mr. Jindal's December 22 complaint about Defendants' deficient response to Oracle's Interrogatory No. 69 about customer valuation metrics, and production of Data Warehouse materials requested by Mr. Polito on December 4.

Please be advised that Defendants' continued delays will not justify pushing depositions of Oracle's experts into the period where Oracle will be analyzing and drafting oppositions to Defendants' promised summary judgment motions. Oracle's counsel cannot and will not be pressed into defending depositions then just because Defendants have delayed in providing the necessary information to allow for finalization of Oracle's experts' reports and securing Oracle's experts' depositions when there has been ample time to do so. Specifically, Oracle offers at this time to make Mr. Mandia available for deposition on February 18-19.

Please advise when we can expect Defendants' overdue information, if you accept Mr. Mandia's offered dates, and when you would like to schedule Oracle's other experts' depositions so we can start that difficult scheduling process.

Regards,

Holly

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