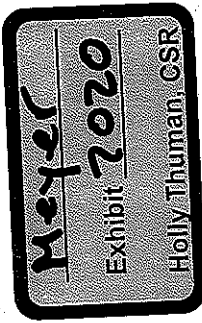


EXHIBIT 5

SAP INFRINGER'S PROFITS
LIST OF 86 CUSTOMERS

SAP CUSTOMER ⁽¹⁾	SAFE PASSAGE CUSTOMER	MR. CLARKE EXCLUSION - JOINED SAP PRIOR TO TN; PRODUCT EXTENSIONS ⁽⁶⁾	SAP REVENUE AFTER TN START DATE ⁽¹⁾	MR. CLARKE "ONGOING REVENUE" DEDUCTION ⁽⁶⁾	SAP REVENUE - ADJUSTED FOR "ONGOING REVENUE"
Abitibi-Consolidated Company of Can		No	300,878	-	300,878
AJINOMOTO CO., INC.	X	No	7,614,291	3,814,872	3,799,419
Alberto-Culver USA Inc	X	No	6,635,423	-	6,635,423
Allianz Australia Insurance Ltd. ⁽¹¹⁾	X	Yes	54,378	-	54,378
Allianz Life Insurance Company of N ⁽¹¹⁾	X	Yes	10,079	-	10,079
Allianz SE ⁽¹¹⁾	X	No	25,756,818	17,515,131	8,241,687
Amgen	X	Yes	24,090,621	3,688,404	20,402,217
Apria Healthcare Group Inc.	X	No	9,144,344	5,843	9,138,501
Arba, Inc.	X	No	1,546,411	-	1,546,411
BASF AG	X	No	88,012,519	19,947,744	68,064,775
Baxter International, Inc.	X	No	46,454	-	46,454
Bertelsmann AG		No	19,498,007	12,597,368	6,900,639
Big Lots Stores, Inc.	X	No	10,183,346	-	10,183,346
Brainlab AG	X	Yes	1,590,751	-	1,590,751
CA, Inc.	X	Yes	29,034,614	7,459,147	21,575,467
Central Garden & Pet	X	No	2,298,738	-	2,298,738
CIBER, Inc.	X	Yes	2,354,864	-	2,354,864
CNH America LLC		No	106,943	-	106,943
CNH Italia S.p.A.		No	467,974	63,905	404,069
COMPAGNIE FINANCIERE ALCATEL LUCENT		No	5,711,675	4,351,059	1,360,616
Coty Inc	X	Yes	10,960,730	2,204,460	8,756,270
Dürr AG	X	No	1,323,814	1,274,109	49,705
Dürr Systems GmbH	X	No	8,777,885	-	8,777,885
Electrolux IT Solutions AB		No	16,308,692	-	16,308,692
FIAT S.p.A.		No	30,312,727	-	30,312,727
Firemans Fund Insurance Co ⁽¹¹⁾	X	Yes	58,963	-	58,963
Foreign Candy Company		No	11,875	-	11,875
Fujitsu Technology Solutions GmbH	X	No	9,984,103	3,205,219	6,778,884
General Electric Corporation		No	24,995,743	-	24,995,743
Gruppo Lactalis Italia S.p.A.	X	Yes	636,702	-	636,702
Harley-Davidson, Inc.	X	Yes	11,205,634	863,550	10,342,084
Haworth, Inc.		No	16,239,966	-	16,239,966
High Industries, Inc.	X	No	2,008,555	-	2,008,555
Hitachi Global Storage Technologies		No	415,672	-	415,672



SAP INFRINGER'S PROFITS
LIST OF 86 CUSTOMERS

SAP CUSTOMER ^[1]	SAFE PASSAGE CUSTOMER	MR. CLARKE EXCLUSION - JOINED SAP PRIOR TO TN; PRODUCT EXTENSIONS ^[6]	SAP REVENUE AFTER TN START DATE ^[1]	MR. CLARKE "ONGOING REVENUE" DEDUCTION ^[6]	SAP REVENUE - ADJUSTED FOR "ONGOING REVENUE"
Holland Casino	X	Yes	1,451,973	-	1,451,973
HONEYWELL INTERNATIONAL INC	X	Yes	37,858,646	14,671,260	23,187,386
Hydro One	X	Yes	9,571,962	1,148,597	8,423,365
IHS Inc.		No	1,679,263	-	1,679,263
Informatica Corporation	X	Yes	549,005	177,458	371,547
Lexmark International Group		No	16,955,477	-	16,955,477
Merck & Company, Inc. ^[12]	X	Yes	40,908,560	8,270,039	32,638,521
MKS Inc.		No	31,602	-	31,602
National Foods Limited		No	15,536,582	-	15,536,582
NewPage Corporation		No	5,370,111	1,086,268	4,283,843
Nextiraone Europe B.V. ^[4]	X	No	1,410,106	-	1,410,106
NextiraOne Management S.A.S. ^[2]	X	No	200,634	-	200,634
Océ-Technologies B.V.	X	Yes	10,095,887	2,594,058	7,501,829
PCI Limited		No	762,985	-	762,985
PetSmart, Inc.	X	No	14,496,340	807,212	13,689,128
Pfizer, Inc.		No	41,065	-	41,065
Pomeroy IT Solutions Inc		No	1,485,368	-	1,485,368
Praxair, Inc.		No	710,243	-	710,243
PRG-Schultz International, Inc		No	102,991	59,329	43,662
REINZ-Dichtungs-GmbH		No	1,177,361	-	1,177,361
Robert Half International Inc.		No	4,572,508	-	4,572,508
Rockwell Automation	X	Yes	32,687,789	8,932,828	23,754,961
Rotkäppchen Sektkellerei GmbH	X	No	2,924,043	268,154	2,655,889
Schaffner EMV AG		No	138,102	-	138,102
Schaffner Holding AG		No	46,258	-	46,258
Seattle School District No. 1,	X	No	1,819,178	400,676	1,418,502
Sony Pictures Entertainment		No	2,432,749	908,853	1,523,896
SPX Cooling Technologies	X	Yes	2,875	-	2,875
SPX Corporation	X	No	5,242,813	906,097	4,336,716
StarHub Ltd	X	No	845,807	-	845,807
Syngenta Crop Protection AG		No	8,505,562	3,892,024	4,613,538
Syngenta Crop Protection Inc.		No	61,466	-	61,466
The Home Depot	X	Yes	58,024,113	10,033,667	47,990,446
TriQuint Semiconductor, Inc.	X	No	2,339,870	772,925	1,566,945
USA Waste-Management Resources, LLC	X	Yes	27,266,160	6,830,243	20,435,917

SAP INFRINGER'S PROFITS
LIST OF 86 CUSTOMERS

SCHEDULE 42.2.DU

SAP CUSTOMER ^[1]	SAFE PASSAGE CUSTOMER	MR. CLARKE EXCLUSION - JOINED SAP PRIOR TO TN; PRODUCT EXTENSIONS ^[6]	SAP REVENUE AFTER TN START DATE ^[1]	MR. CLARKE "ONGOING REVENUE" DEDUCTION ^[3]	SAP REVENUE - ADJUSTED FOR "ONGOING REVENUE"
YEKA AG	X ^[6]	Yes	3,024,430	1,602,456	1,421,974
Veke, Inc	X ^[6]	Yes	49,957	-	49,957
Wabash National Corporation	X ^[5]	Yes	5,356,409	-	5,356,409
YAZAKI Europe Limited	X ^[5]	No	7,044,414	421,920	6,622,494
Yazaki North America, Inc.	-	No	11,271,208	-	11,271,208
Zimmer Inc.	X ^[6]	Yes	30,995	-	30,995
Zimmer, Inc.	X ^[6]	Yes	20,640,213	4,375,743	16,264,470
SUBTOTAL			722,423,269	145,150,618	577,272,651
Adjustment to SAP Infringer's Profits^[6]					
ACH Food Co.		Yes	4,478,264	168,990	4,309,274
Al Nisr Publishing Company		Yes	669,173	38,633	630,540
American Family Life Assurance Co.		Yes	2,446,724	934,812	1,511,912
ConAgra Foods, Inc.		Yes	49,937,064	19,329,231	30,607,833
Coors Brewing Company		Yes	2,875	-	2,875
Coors Brewing Company		Yes	25,339,780	-	25,339,780
Ecolab Inc. ^[13]		Yes	1,866,638	1,683,918	182,720
Freeport-McMoRan Copper & Gold Inc.		Yes	4,583,433	264,754	4,318,679
GlobalSantaFe Corporation		Yes	1,501,036	1,044,592	456,444
Interpublic Group of Companies Inc.		Yes	3,430,203	3,023,787	406,416
New Era Cap Company, Inc.		Yes	1,179,234	-	1,179,234
Newport Corporation		Yes	1,765,022	698,908	1,066,114
Olin Corporation		Yes	4,104,520	2,103,348	2,001,172
Petco Animal Supplies, Inc.		Yes	454,139	-	454,139
Ross Stores, Inc.		Yes	355,794	253,739	102,055
Sara Lee Corporation		Yes	19,803,009	2,763,021	17,039,988
Sinton Services, Inc.		Yes	1,981,837	520,190	1,461,647
Southern California Edison		Yes	28,714,453	14,771,967	13,942,486
Suburban Propane L.P.		Yes	2,864,533	-	2,864,533
TA Operating LLC		Yes	2,102,781	1,060,662	1,042,119
The Capital Group Companies, Inc.		Yes	3,158,076	965,604	2,192,472
The Oklahoma Publishing Company		Yes	14,226,779	778,075	13,448,704
Vector Limited		Yes	2,195,893	276,539	1,919,354

SAP INFRINGER'S PROFITS
LIST OF 86 CUSTOMERS

SAFE PASSAGE CUSTOMER	MR. CLARKE EXCLUSION - JOINED SAP PRIOR TO TN; PRODUCT EXTENSIONS ^[8]	SAP REVENUE AFTER TN START DATE ^[1]	MR. CLARKE "ONGOING REVENUE" DEDUCTION ^[8]	SAP REVENUE - ADJUSTED FOR "ONGOING REVENUE"
SAP CUSTOMER ^[1]				
SUBTOTAL - ADJUSTED CUSTOMER REVENUE				
		177,161,259	50,680,764	126,480,495
GRAND TOTAL SAP REVENUE - LIST OF 86				
		899,584,527	195,831,382	703,753,145

SAP REVENUE	\$ 577,272,651
PROFIT MARGIN ^[10]	50%
SAP INFRINGER'S PROFITS	\$ 288,636,326

Sources:

- [1] Supplemental Expert Report of Paul K. Meyer, February 23, 2010, Schedule 42.1.
- [2] SAP-OR 00603615 (SAP Customer Report), excluding TomorrowNow Maintenance revenue. The TN Service Start Date for NextiraOne is 10/20/2006 [see Schedule 30.5U].
- [3] Expert Report of Stephen K. Clarke, March 26, 2010, Appendix N-4.
- [4] SAP Presentation: "SAP vs. Oracle Competitive Earnings Kit Q1 2007", SAP-OR000061868-906 (Hurst Exhibit 207), at 891-892.
- [5] SAP Presentation: "CEO Council - Post Merger Integration (PMI)", June 20, 2006, SAP-OR000097329-364 (Oswald Exhibit 606), at 347.
- [6] SAP Presentation: "TomorrowNow Global Leadership Meeting," January 11, 2007, SAP-OR00007470-498 (Kagermann Exhibit 417), at 488.
- [7] April 10, 2006 email from Anke Mogannam to Terry Hurst, SAP-OR00031084-086 (Hurst Exhibit 161), at 084.
- [8] Expert Report of Stephen K. Clarke, March 26, 2010, Appendix E-2.1 and E-2.6. I have accepted Mr. Clarke's categorization of these customers into these "Exclusion Pools" for purposes of preparing this calculation. Nonetheless, all of these customers took service from TomorrowNow, which has impacted their relationship with Oracle.
- [9] Adjusted customers include those customers listed on Mr. Clarke's "Disengagement Exclusion Pools" for "Decided to Join SAP Prior to Joining TomorrowNow" and "Product Extensions," unless those customers were Safe Passage customers.
- [10] Average profit margin from Mr. Clarke's Appendix M-9 [1-($\$517,229,85/\$1,028,736$) = 50%].
- [11]. Allianz was provided TomorrowNow service at no cost [Supplemental Expert Report of Paul K. Meyer, February 23, 2010, Schedule 41.25U]. Upon the wind-down of TomorrowNow, Allianz was paid a settlement payment of \$412,500 [Supplemental Expert Report of Paul K. Meyer, February 23, 2010, Schedule 41.U].
- [12] Upon the wind-down of TomorrowNow, Merck was paid a settlement payment of \$2,670,000 [Supplemental Expert Report of Paul K. Meyer, February 23, 2010, Schedule 41.U].
- [13] Ecolab was provided TomorrowNow service at no cost. Upon the wind-down of TomorrowNow, Ecolab was paid a settlement payment of \$350,000 [Supplemental Expert Report of Paul K. Meyer, February 23, 2010, Schedule 41.U].