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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

22 ORACLE USA, INC., et al.,

23 Plaintiffs,

24 v.

25 SAP AG, et al.,

26 Defendants

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

**DECLARATION OF THARAN GREGORY LANIER
 ISO DEFENDANTS' OPPOSITIONS TO ORACLE'S
 MOTIONS FOR LEAVE TO FILE MOTIONS FOR
 RECONSIDERATION REGARDING (1) SAVED
 DEVELOPMENT COSTS AND (2) UP-SELL AND
 CROSS-SELL PROJECTIONS, AND MOTION FOR
 CLARIFICATION**

27 Date/Time: N/A

Place: 3rd Floor, Courtroom 3

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

8 1. Attached as **Exhibit 1** is a true and correct copy of the following excerpts from the
9 official hearing transcript for the September 30, 2010 Final Pretrial Conference: 53:3-59:3;
10 121:10-122:10.

11 2. Attached as **Exhibit 2** is a true and correct copy of the following excerpts from the
12 official trial transcript for November 8, 2010: 808:4-826:21.

13 3. Attached as **Exhibit 3** is a true and correct copy of *California v. Infineon Techs.*
14 *AG*, C 06-4333 PJH, 2007 WL 3034372 (N.D. Cal. Oct. 16, 2007).

15 4. Attached as **Exhibit 4** is a true and correct copy of *Elder-Evins v. Casey*, No.
16 C 09-05775 SBA, 2011 U.S. Dist. LEXIS 103080 (N.D. Cal. Sept. 13, 2011).

17 5. Attached as **Exhibit 5** is a true and correct copy of *Jackson v. Walker*, No. CIV S-
18 06-2023 WBS GGH P, 2010 U.S. Dist. LEXIS 45974 (E.D. Cal. May 11, 2010).

19 6. Attached as **Exhibit 6** is a true and correct copy of *Mohammed v. City of Morgan*
20 *Hill*, No. 5:10-cv-05630, 2011 WL 5085497 (N.D. Cal. Oct. 25, 2011).

21 7. Attached as **Exhibit 7** is a true and correct copy of *Napa Cmty. Redevelopment*
22 *Agency v. Cont’l Ins. Co.*, No. C-94-3284 DLJ, 1995 U.S. Dist. LEXIS 22542 (N.D. Cal. Nov. 17,
23 1995).

24 8. Attached as **Exhibit 8** is a true and correct copy of *Pickard v. DOJ*, No. C 10-
25 05253 LB, 2011 U.S. Dist. LEXIS 74127 (N.D. Cal. July 8, 2011).

26 9. Attached as **Exhibit 9** is a true and correct copy of *Rearden LLC v. Rearden*
27 *Commerce, Inc.*, No. C 06-07367 MHP, 2009 U.S. Dist. LEXIS 15590 (N.D. Cal. Feb. 26, 2009).

28 10. Attached as **Exhibit 10** is a true and correct copy of *Runge v. Ippollito*, No. C 06-

1 5218 PJH (PR), 2009 U.S. Dist. LEXIS 27125 (N.D. Cal. Mar. 23, 2009).

2 11. Attached as **Exhibit 11** is a true and correct copy of *Salinas v. City of San Jose*,
3 No. 5:09-cv-04410 EJD, 2011 U.S. Dist. LEXIS 94354 (N.D. Cal. Aug. 23, 2011).

4 12. Attached as **Exhibit 12** is a true and correct copy of *Sconiers v. Fresno Cnty.*
5 *Superior Court*, No. 1:11-cv-00113-LJO-SMS, 2011 U.S. Dist. LEXIS 122195 (E.D. Cal. Oct.
6 21, 2011).

7 13. Attached as **Exhibit 13** is a true and correct copy of *Sconiers v. Fresno Cnty.*
8 *Superior Court*, No. 1:11-cv-00113-LJO-SMS, 2011 U.S. Dist. LEXIS 152225 (E.D. Cal. Dec.
9 13, 2011).

10 14. Attached as **Exhibit 14** is a true and correct copy of *United States v. Beardslee*,
11 No. CR-94-0186-DLJ, 2008 U.S. Dist. LEXIS 105667 (N.D. Cal. Dec. 22, 2008).

12 I declare under penalty of perjury under the laws of the United States and the State of
13 California that the foregoing is true and correct.

14 Executed this 1st day of May, 2012 in Palo Alto, California.

15 /s/ Tharan Gregory Lanier
16 Tharan Gregory Lanier

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