

1 BINGHAM MCCUTCHEN LLP
 DONN P. PICKETT (SBN 72257)
 2 GEOFFREY M. HOWARD (SBN 157468)
 BREE HANN (SBN 215695)
 3 Three Embarcadero Center
 San Francisco, CA 94111-4067
 4 Telephone: 415.393.2000
 Facsimile: 415.393.2286
 5 donn.pickett@bingham.com
 geoff.howard@bingham.com
 6 bree.hann@bingham.com

7 BOIES, SCHILLER & FLEXNER LLP
 DAVID BOIES (Admitted Pro Hac Vice)
 8 333 Main Street
 Armonk, NY 10504
 Telephone: (914) 749-8200
 9 Facsimile: (914) 749-8300
 dboies@bsfllp.com

10 STEVEN C. HOLTZMAN (SBN 144177)
 FRED NORTON (SBN 224725)
 11 1999 Harrison St., Suite 900
 Oakland, CA 94612
 Telephone: (510) 874-1000
 12 Facsimile: (510) 874-1460
 13 sholtzman@bsfllp.com
 fnorton@bsfllp.com

14 DORIAN DALEY (SBN 129049)
 15 JENNIFER GLOSS (SBN 154227)
 500 Oracle Parkway, M/S 5op7
 16 Redwood City, CA 94070
 Telephone: 650.506.4846
 17 Facsimile: 650.506.7144
 dorian.daley@oracle.com
 18 jennifer.gloss@oracle.com

19 Attorneys for Plaintiff Oracle International Corp.

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

22 ORACLE USA, INC., *et al.*,
 23 Plaintiffs,
 24 v.
 25 SAP AG, *et al.*,
 Defendants.

No. 07-CV-01658 PJH (EDL)

**DECLARATION OF THAI LE IN
 SUPPORT OF PLAINTIFF'S OPPOSITION
 TO DEFENDANTS' MOTIONS *IN LIMINE***

26
 27
 28

1 I, Thai Le, declare that I am an attorney licensed to practice law in the State of
2 California and am an associate at Bingham McCutchen LLP, counsel of record for plaintiff
3 Oracle International Corporation (“Oracle” or “Plaintiff”). I have personal knowledge of the
4 facts stated below and could testify competently to them if required.

5 1. I submit this declaration in support of Oracle’s Opposition to Defendants’
6 Motions *in Limine*.

7 2. Attached as **Exhibit A** is a true and correct copy of the relevant excerpts
8 of the Deposition of Hurst.

9 3. Attached as **Exhibit B** is a true and correct copy of the relevant excerpts
10 of the Deposition of Ziemen.

11 4. Attached as **Exhibit C** is a true and correct copy of Oracle’s Trial
12 Exhibit 6.

13 5. Attached as **Exhibit D** is a true and correct copy of Oracle’s Trial
14 Exhibit 161.

15 6. Attached as **Exhibit E** is a true and correct copy of Oracle’s Trial
16 Exhibit 404.

17 7. Attached as **Exhibit F** is a true and correct copy of relevant excerpts of the
18 November 16, 2009 Expert Report of Paul Meyer.

19 8. Attached as **Exhibit G** is a true and correct copy of relevant excerpts of
20 the February 23, 2010 Expert Report of Paul Meyer.

21 9. Attached as **Exhibit H** is a true and correct copy of the relevant excerpts
22 of the May 12, 2010 deposition of Paul Meyer.

23 10. Attached as **Exhibit I** is a true and correct copy of the relevant excerpts of
24 the trial transcript. The following portions of the trial transcript comprise **Exhibit I**:

Date(s)	Trial Transcript Pages	Description of Event
11/1/10	256:6-257:10	Discussion Regarding Admissibility of Evidence
11/2/10	313:1-13	The Court’s Opening Comments to the Jury
11/4/10	529:20-530:3	Oracle’s Direct Examination of Charles Phillips

Date(s)	Trial Transcript Pages	Description of Event
11/8/10	854:18-21	Oracle's Direct Examination of Safra Catz
11/8/10	936:10-14; 944:1-13	Oracle's Direct Examination of Expert Witness Paul Meyer
11/9/10	1022:6-15	Oracle's Direct Examination of Expert Witness Paul Meyer
11/18/10	1638:3-1647:25; 1724:15-25	Oracle's Cross Examination of Stephen Clarke
11/22/10	2027:19-2028:23; 2030:22-2031:3	Discussion Regarding Admissibility of Content in Closing Statements
11/22/10	2095:12-2096:1; 2178:18-2179:1	Oracle's Closing Statement

11. On April 13, 2010 Defendant's expert Stephen Clarke supplemented his report and added information relating to over fifty customers.

12. Clarke was deposed by Oracle on August 4, 2010.

13. Attached as **Exhibit J** is a true and correct copy of the August 4, 2010, supplemental report of Stephen Clarke.

14. Attached as **Exhibit K** is a true and correct copy of the October 19, 2010 supplemental report of Stephen Clarke.

15. Attached as **Exhibit L** is a true and correct copy of a March 28, 2012 letter sent by Geoff Howard to Greg Lanier.

16. Attached as **Exhibit M** is a true and correct copy of a March 29, 2012 email from Greg Lanier to Geoff Howard.

17. Attached as **Exhibit N** is a redacted copy of Paul Meyer's April 20, 2012 six-page update to his infringers' profits opinion. Redactions have been added per SAP's request.

18. Attached as **Exhibit O** is a true and correct copy of Paul Meyer's May 9, 2012 one page update to his lost profits opinion.

19. Attached as **Exhibit P** is a true and correct copy of relevant excerpts of Oracle's Trial Exhibit 533.

- 1 20. Attached as **Exhibit Q** is a true and correct copy of Joint Trial Exhibit 5.
- 2 21. Attached as **Exhibit R** is a true and correct copy of Oracle's Trial
- 3 Exhibit 7035.
- 4 22. Attached as **Exhibit S** is a true and correct copy of the relevant excerpts of
- 5 the transcript of the November 17, 2009 Discovery Conference Hearing.
- 6 23. Attached as **Exhibit T** is a true and correct copy of Oracle's Trial
- 7 Exhibit 19.
- 8 24. Attached as **Exhibit U** is a true and correct copy of Oracle's Trial
- 9 Exhibit 196.
- 10 25. Attached as **Exhibit V** is a true and correct copy of Oracle's Trial
- 11 Exhibit 35.
- 12 26. Attached as **Exhibit W** is a true and correct copy of Oracle's Trial
- 13 Exhibit 8.
- 14 27. Attached as **Exhibit X** is a true and correct copy of Oracle's Trial
- 15 Exhibit 14.
- 16 28. Attached as **Exhibit Y** is a true and correct copy of Joint Trial Exhibit 4.
- 17 29. Attached as **Exhibit Z** is a true and correct copy of the relevant excerpts
- 18 of the transcript of the September 30, 2010 Discovery Conference Hearing.

19

20 I declare under penalty of perjury under the laws of the United States that the

21 foregoing facts are true and correct, and that this Declaration was executed on May 10, 2012 in

22 San Francisco, California.

23  _____

24 Thai Le

25

26

27

28