

# **EXHIBIT K**

**Fourth Supplement of Stephen K. Clarke, October 19, 2010**  
**Oracle USA, Inc., et al v. SAP AG, et al**

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I recently reviewed the Order Re Motions for Partial Summary Judgment dated August 17, 2010. As a result of that review and ongoing review of my report and supporting appendices, I have determined that I need to issue this supplement.

I have updated my Appendices G, Q and W as follows:

- Appendix G to reflect a) inclusion of two additional \$0 customers, b) inclusion of the first year free customers, and c) removal of the No Accused Conduct exclusion pool.
- Appendix Q to reflect a) removal of the No Accused Conduct exclusion pool, and b) inclusion of all customers for which I did not calculate Oracle Lost Profits on Appendix W.
- Appendix W to reflect a) removal of Oracle as a whole, OEMEA, OTC and ORC, and b) removal of the No Accused Conduct exclusion pool.

I detail the impact of these updates in the attachments.

Also note that I have removed No Accused Conduct from the exclusion pools on Appendices D and E.



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Stephen K. Clarke

10/19/10

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Date