

EXHIBIT Z

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

BEFORE THE HONORABLE PHYLLIS J. HAMILTON, JUDGE

ORACLE CORPORATION, ET AL.)

PLAINTIFFS,)

VS.)

SAP AG, ET AL.,)

DEFENDANTS.)

NO. C 07-01658 PJH

Certified Copy

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OAKLAND, CALIFORNIA
WEDNESDAY, SEPTEMBER 30, 2010

TRANSCRIPT OF PROCEEDINGS

APPEARANCES:

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(APPEARANCES CONTINUED NEXT PAGE)

REPORTED BY:

RAYNEE H. MERCADO, CSR NO. 8258

1 BE CONSIDERED DIFFERENTLY WHEN IT'S A CIVIL LITIGANT'S
2 ALLEGATIONS AS OPPOSED TO AN INVESTIGATION, NOT AN INDICTMENT,
3 NOTHING ELSE -- AN INVESTIGATION BY THE GOVERNMENT.

4 AND THE LIKELIHOOD THAT THE JURY WOULD BE UNDULY,
5 INAPPROPRIATELY, PERSUADED, SWAYED, INFLAMED BY AN EVIDENCE --
6 AN ANNOUNCED FACT OF A GOVERNMENT INVESTIGATION ANNOUNCED NOT TO
7 TAKE ANY CREDIT BUT BECAUSE THAT'S THE KIND OF THINGS THE
8 COMPANIES ANNOUNCE AND THEY HAVE TO, THAT WOULD UNDULY INFLAME
9 THE JURY, UNDULY PREJUDICE SAP.

10 AND BY THE -- IF THAT SHOULD COME IN, THEN WE REALLY
11 SHOULD BE TALKING ABOUT, WELL, THEN, HERE'S WHY ORACLE'S DOING
12 WHAT IT'S DOING. WE THINK WE SHOULD TRY THIS CASE.

13 **THE COURT:** RIGHT. RIGHT.

14 I THINK HE'S CORRECT UNDER 403 GROUNDS. IT'S KIND OF
15 LIKE IF YOU ANALOGIZE IT TO CRIMINAL CASES. IT'S LIKE
16 ANNOUNCING THAT SOMEONE'S UNDER INDICTMENT. BEING INVESTIGATED,
17 I MEAN, IT'S VERY HARD TO UNDO THE POTENTIAL PREJUDICE THAT I
18 THINK COMES ALONG WITH THAT KIND OF ANNOUNCEMENT. IT WOULD BE
19 ONE THING IF THE INVESTIGATION HAD BEEN CONCLUDED AND THERE HAD
20 BEEN ADVERSE FINDINGS MADE, BUT THEY'RE JUST NOW UNDER
21 INVESTIGATION. I THINK IT'S POTENTIALLY UNDULY PREJUDICIAL.

22 **MR. HOWARD:** AND --

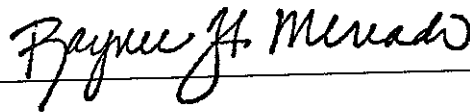
23 **THE COURT:** AND ON 403 GROUNDS, I'M GOING TO GRANT
24 THE MOTION.

25 **MR. HOWARD:** MAY I ASK FOR ONE CLARIFICATION, YOUR

CERTIFICATE OF REPORTER

I, RAYNEE H. MERCADO, OFFICIAL REPORTER FOR THE UNITED STATES COURT, NORTHERN DISTRICT OF CALIFORNIA, HEREBY CERTIFY THAT THE FOREGOING PROCEEDINGS IN C07-01658 PJH, ORACLE CORPORATION, ET AL. V. SAP AG, ET AL., WERE REPORTED BY ME, A CERTIFIED SHORTHAND REPORTER, AND WERE THEREAFTER TRANSCRIBED UNDER MY DIRECTION INTO TYPEWRITING; THAT THE FOREGOING IS A FULL, COMPLETE AND TRUE RECORD OF SAID PROCEEDINGS AS BOUND BY ME AT THE TIME OF FILING.

THE VALIDITY OF THE REPORTER'S CERTIFICATION OF SAID TRANSCRIPT MAY BE VOID UPON DISASSEMBLY AND/OR REMOVAL FROM THE COURT FILE.



RAYNEE H. MERCADO, CSR, RMR, CRR, FCRR, CCRR

MONDAY, OCTOBER 4, 2010