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 18 TOMORROWNOW, INC.

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

23 ORACLE USA, INC., et al.,  
 24 Plaintiffs,  
 25 v.  
 26 SAP AG, et al.,  
 27 Defendants.

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

**[PROPOSED] ORDER DENYING  
 ORACLE'S MOTIONS *IN LIMINE***

Date: May 24, 2012  
 Time: 2:30 p.m.  
 Place: 3rd Floor, Courtroom 3  
 Judge: Hon. Phyllis J. Hamilton

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Having considered the papers filed in connection with Oracle’s Motions *in Limine*:

IT IS HEREBY ORDERED THAT:

1. Oracle’s Motion No. 1 (“Clarke’s Lack of Expertise in Customer Behavior”) is: DENIED.
2. Oracle’s Motion No. 2 (“Clarke’s Third Party Market ‘Study’ Is Merely a Summary of Inadmissible Evidence and Is Beyond Clarke’s Expertise”) is: DENIED.
3. Oracle’s Motion No. 3 (“The Court Should Not Allow SAP to Present Hearsay through Experts (Either Clarke or Meyer)”) is: DENIED.
4. Oracle’s Motion No. 4 (“To Exclude Reliance on Late-Produced Customer Declarations”) is: DENIED.
5. Oracle’s Motion No. 5 (“To Exclude Testimony About Infringers’ Profits That Includes Improper Expense Deductions”) is: DENIED.

**IT IS SO ORDERED.**

DATED: \_\_\_\_\_

By: \_\_\_\_\_  
Hon. Phyllis J. Hamilton  
United States District Court Judge