

EXHIBIT 11

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

PAGES 1 - 124

OAKLAND, CALIFORNIA
WEDNESDAY, SEPTEMBER 30, 2010

TRANSCRIPT OF PROCEEDINGS

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REPORTED BY:

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TEXT REMOVED - NOT RELEVANT TO MOTION

THE COURT: OKAY. LET'S TURN QUICKLY, THEN, TO THE DAUBERT MOTIONS. WE ONLY HAVE UNTIL NOON. I HAVE ANOTHER

1 CALENDAR THIS AFTERNOON, SO -- WE STILL HAVE A LOT OF THINGS TO
2 GET THROUGH, AND I'LL JUST TELL YOU WITH RESPECT TO THE DAUBERT
3 MOTIONS, WE HAVE FOUR BY ORACLE AND THREE BY SAP, AND IT IS MY
4 INTENTION TO DENY ALL OF THE MOTIONS EXCEPT ONE. AND THE REASON
5 THAT I'M GOING TO DENY ALL OF THE MOTIONS IS BECAUSE IT REALLY
6 DOES SEEM TO ME THAT YOU ALL ARE TRYING TO GET A RULING AS A
7 MATTER OF LAW ON THE VARIOUS DIFFERENT DAMAGES THEORIES THROUGH
8 THE GUISE OF THESE DAUBERT MOTIONS.

9 I MEAN, ALL OF THE EXPERTS ARE QUALIFIED, SOME MORE
10 QUALIFIED THAN OTHERS. BUT ALL OF THEM HAVE RELEVANT
11 QUALIFICATIONS. THEIR METHODOLOGIES DIFFER, BUT I DON'T SEE ANY
12 REAL BASIS FOR EXCLUDING ANY OF THESE EXPERTS. MOST OF THE
13 ARGUMENTS GO TO EITHER THE WEIGHT OF THEIR OPINIONS AND
14 CONCLUSIONS OR TO THE ACTUAL MERITS OF THE OPINIONS OR
15 CONCLUSIONS.

16 I MEAN, YOU ALL TAKE ISSUES WITH EACH OTHER'S -- YOU
17 KNOW, IF I HAD READ ONE OF THESE -- IF I HAD READ THEM
18 INDIVIDUALLY OVER THE COURSE OF MONTHS, IT'D BE DIFFERENT, BUT I
19 READ ALL SEVEN OF THEM BACK TO BACK, AND THE ARGUMENTS STARTED
20 TO KIND OF BLUR BECAUSE EACH SIDE IS MAKING THE SAME ARGUMENT
21 ABOUT THE OTHER SIDE'S EXPERTS.

22 AND AS I -- AS I INDICATED, I THINK MOST OF THE
23 OBJECTIONS REALLY GO TO THE MERITS OF THE EXPERT'S TESTIMONY. I
24 THINK THEY SHOULD ALL TESTIFY IF THAT'S WHAT YOU WANT AND THE
25 JURY WILL DECIDE. SO I AM NOT INCLINED TO GRANT ANY OF THEM

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EXCEPT ONE.

TEXT REMOVED - NOT RELEVANT TO MOTION

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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

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

MONDAY, OCTOBER 4, 2010