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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.*,

26 Defendants.

No. 07-CV-01658 PJH (EDL)

**[PROPOSED] ORDER REGARDING
 27 ADMISSION OF EXHIBITS**

28 NO. 07-CV-01658 PJH (EDL)

[PROPOSED] ORDER REGARDING ADMISSION OF EXHIBITS

1 Before the Court is the parties' Joint Statement Regarding Exhibit Objections.
2 Having reviewed the parties' papers and carefully considered their arguments, evidence and
3 relevant legal authority, the Court hereby rules as follows:

4 **I. DEFENDANTS' "CATEGORY" ONE - ALLEGED HEARSAY**
5 **EXCEPTIONS/EXEMPTIONS**

6 Defendants' Trial Exhibits A-0059 (At-Risk Report), A-0367, A-5002-1, A-5042, A-
7 5058, A-5193, A-5995, A-5997, A-6042-1, A-6205-1, and A-6329-1 are wholly or partially
8 INADMISSIBLE.

9 **II. DEFENDANTS' "CATEGORY" TWO - ALLEGED EVIDENCE OF**
10 **WILLFUL INFRINGEMENT**

11 Oracle's Trial Exhibits PTX 0008, PTX 0014, and PTX 0161 are ADMISSIBLE.

12 **III. DEFENDANTS' "CATEGORY" THREE - EVIDENCE**
13 **ALLEGEDLY RELATING TO EXCLUDED DAMAGES**
14 **THEORIES**

15 Oracle's Trial Exhibits PTX 0012, PTX 0024, PTX 0161, PTX 0960, PTX 4809, PTX
16 4819, and PTX 7028 are ADMISSIBLE.

17 **IV. PLAINTIFF'S "CATEGORY" ONE - ORACLE INCOME**
18 **STATEMENTS AND CANCELLATION REPORTS**

19 Oracle's PTX 8040 and PTX 2582 are ADMISSIBLE business records under Fed. R.
20 Evid. 803(6).

21 **V. PLAINTIFF'S "CATEGORY" TWO - POST-TRIAL**
22 **STATEMENTS BY SAP EXECUTIVES**

23 PTX 8112 and PTX 8111 are ADMISSIBLE.

24 **VI. PLAINTIFF'S "CATEGORY" THREE - STATEMENTS FROM TN**
25 **PLEA AGREEMENT**

26 Admissions contained within PTX 8108, the TomorrowNow, Inc. plea agreement,
27 without reference to the plea itself, are ADMISSIBLE.
28

IT IS SO ORDERED.

DATED: _____, 2012

Hon. Phyllis J. Hamilton
United States District Court Judge

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