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17 Attorneys for Defendants
 SAP AG, SAP AMERICA, INC., and
 18 TOMORROWNOW, INC.

19 UNITED STATES DISTRICT COURT

20 NORTHERN DISTRICT OF CALIFORNIA

21 OAKLAND DIVISION

22 ORACLE USA, INC., et al.,

23 Plaintiffs,

24 v.

25 SAP AG, et al.,

26 Defendants.

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

**DEFENDANTS' SECOND REVISED
 WITNESS LIST FOR NEW TRIAL**

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 28
 DEFENDANTS' SECOND REVISED WITNESS LIST
 FOR NEW TRIAL
 Case No. 07-CV-1658 PJH (EDL)

1 Defendants submit the attached revised trial witness list indicating all of those witnesses
2 whom Defendants expect that they may call at the new trial, either in person or by deposition.
3 See Exhibit A. Defendants' list specifies whether Defendants presently intend to call the witness
4 in person or by deposition. Defendants may not call all of these witnesses, and may call
5 witnesses by deposition who had originally been designated as testifying in person, depending on
6 scheduling conflicts, the case actually presented by Oracle at trial, Defendants' ongoing efforts to
7 streamline the trial, and the Court's rulings.

8 Defendants' revised trial witness list includes testimony within the scope of Defendants'
9 deposition designations. Certain witnesses named in the attached list provided all or some portion
10 of their deposition testimony in a representative capacity (*i.e.*, under Fed. R. Civ. P. 30(b)(6)) on
11 behalf of a party or third party, and that fact is noted on the face of their deposition transcript. In
12 those instances, the designated witness shall be deemed to be the entity on whose behalf the
13 individual provided the deposition testimony.

14 This list is limited to the claims and defenses currently available in this case based on the
15 parties' stipulations and the Court's prior orders. Defendants' list does not include witnesses
16 whose testimony would be offered solely in support of the admissibility of certain documents.
17 See Fed. R. Evid. 104(a). Moreover, consistent with this Court's orders, the attached list does not
18 necessarily include all those witnesses whom Defendants may call at trial solely for impeachment
19 or rebuttal.

20 Dated: August 1, 2012

Respectfully submitted,

JONES DAY

23 By: /s/ Tharan Gregory Lanier
24 Tharan Gregory Lanier

25 Attorneys for Defendants
26 SAP AG, SAP AMERICA, INC., and
27 TOMORROWNOW, INC.

EXHIBIT A

ORACLE USA, INC. ET AL. v SAP AG ET AL.
USDC -- NORTHERN DIST. OF CALIFORNIA
Case No. C 07 1658 PJH (EDL)

DEFENDANTS' REVISED WITNESS LIST FOR NEW TRIAL

WITNESS	SUBSTANCE OF TESTIMONY	LIVE / DEPOSITION
Andersen, Jesper	Plaintiff's products and services; Plaintiff's sales and marketing; Plaintiff's business operations; Causation and damages	Deposition
Bailey, Thomas	Causation and damages; Honeywell	Deposition
Block, Keith	Plaintiff's business operations; Plaintiff's sales and marketing; Causation and damages	Deposition
Brazile, Steven	Causation and damages; Sara Lee	Deposition
Busillo, Joe	SAP's financial operations; Causation and damages	Live
Clarke, Stephen	Expert report and related issues	Live
Cooley, Paul	Causation and damages; Waste Management	Deposition
Cummins, Richard	Plaintiff's business operations; Plaintiff's products and services; Plaintiff's sales and marketing; Causation and damages	Deposition
Custodian(s) or Declarant(s) of Record	Authentication and admission of documents as needed	Live/Deposition
Hallenberger, Tracy	Causation and damages; Baker Botts	Live
Henslee, Robbin	Plaintiff's business operations; Plaintiff's sales and marketing; Causation and damages	Deposition
Jones, Juan	Plaintiff's business operations; Plaintiff's products and services; Plaintiff's sales and marketing; Plaintiff's competitive intelligence regarding TN; Causation and damages	Deposition
Kehring, Douglas	Plaintiff's financials and customer information; Oracle's acquisitions of PeopleSoft and Siebel; Causation and damages	Deposition
Kreul, John	Causation and damages; Pepsi America	Live
McDermott, Bill	SAP and TN competition with Oracle; SAP's financials and customer information; SAP sales and marketing; SAP's products and services; Causation and damages	Live
Nolan, Brad	Plaintiff's business operations; Plaintiff's products and services; Plaintiff's sales and marketing; Causation and damages	Deposition
O'Donnell, Jeffrey	Causation and damages; Lexmark	Deposition
Phillips, Charles	Plaintiff's business operations; Plaintiff's products and services; Plaintiff's sales and marketing; Plaintiff's financials and customer information; Causation and damages	Deposition

ORACLE USA, INC. ET AL. v SAP AG ET AL.
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DEFENDANTS' REVISED WITNESS LIST FOR NEW TRIAL

WITNESS	SUBSTANCE OF TESTIMONY	LIVE / DEPOSITION
Ravin, Seth	Causation and damages	Deposition
Restmeyer, Dan	Causation and damages; Amgen	Deposition
Rottler, Juergen	Plaintiff's business operations; Plaintiff's products and services; Plaintiff's sales and marketing; Causation and damages	Deposition
Shippy, Elizabeth	Plaintiff's business operations; Plaintiff's sales and marketing; Plaintiff's financials and customer information; Plaintiff's collection and retention of documents; Causation and damages	Deposition
Sim, Judith	Plaintiff's sales and marketing; Causation and damages	Deposition
Singh, Bruno	Causation and damages; NBC Universal	Live
Sommer, Brian	Expert report and related issues	Live
Wasson, Robert	Causation and damages; McLennan County	Deposition