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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)

**DECLARATION OF THARAN  
 GREGORY LANIER ISO JOINT  
 STATEMENT REGARDING  
 EXHIBIT OBJECTIONS**

1 I, THARAN GREGORY LANIER, declare as follows:

2 I am a partner in the law firm of Jones Day, 1755 Embarcadero Road, Palo Alto,  
3 California 94303, and counsel of record for Defendants SAP AG, SAP America, Inc. (together,  
4 “SAP”), and TomorrowNow, Inc. (“TN”) (collectively, “Defendants”) in the above-captioned  
5 matter. I am a member of good standing of the state bar of California and admitted to practice  
6 before this Court. I make this declaration based on personal knowledge and, if called upon to do  
7 so, could testify competently thereto.

8 Paragraphs 1-59 set forth documents previously lodged with the Court in the above-  
9 captioned matter relevant to the parties’ Joint Statement Regarding Exhibit Objections (ECF No.  
10 1182). To ensure that these documents become a part of the record in this case, Defendants now  
11 file them.

12 1. Attached as Exhibit 1 is a true and correct copy of A-6329-1.  
13 2. Attached as Exhibit 2 is foundational materials in support of A-6329-1, including true  
14 and correct copies of:

- 15 • Excerpts of Joint Pretrial Statement (ECF No. 1141)
- 16 • ORCL00034267
- 17 • ORCL00034185
- 18 • 11/8/10 Trial Tr. (Ellison) at 781:10-14
- 19 • 9/17/09 Keith Block Deposition at 17:7-18:2; 21:4-9, 21:12-13, 21:15-21
- 20 • 7/23/08 Richard Blotner Deposition at 18:10-18
- 21 • February 23, 2010 Oracle Expert Report of Paul Meyer (excerpt)

22 3. Attached as Exhibit 3 is a true and correct copy of A-0367.  
23 4. Attached as Exhibit 4 is foundational materials in support of A-0367, including true  
24 and correct copies of:

- 25 • ORCL00034304
- 26 • 4/24/09 Juan Jones Deposition (as played at Trial 11/15/10) at 96:18-22-97:13
- 27 • 4/24/09 Juan Jones Deposition (as played at Trial 11/15/10) at 20:3-6; 24:10-18;  
28 25:3-20; 43:7-10

- 1                   • 4/24/09 Juan Jones Deposition at 29:12-17
- 2                   • 7/23/08 Richard Blotner Deposition at 98:7-99:3
- 3                   5. Attached as Exhibit 5 is a true and correct copy of A-5042.
- 4                   6. Attached as Exhibit 6 is foundational materials in support of A-5042, including true
- 5 and correct copies of:
- 6                   • ORCL00034316
- 7                   • ORCL00034318
- 8                   • ORCL00034218
- 9                   • Pls.' Resp. & Objs. to Interrogatory No. 98 in Defs.' 5th Set of Interrogatories
- 10                  • 4/21/09 Richard Cummins Deposition at 244:25-245:1
- 11                  • 9/16/08 Richard Cummins Deposition at 82:22-83:8; 85:13-14
- 12                  • 9/16/08 Richard Cummins Deposition at 34:5-25
- 13                  • 8/7/09 Paul Duggan Deposition at 21:23-22:25
- 14                  • 8/7/09 Paul Duggan Deposition at 23:16-24
- 15                  7. Attached as Exhibit 7 is a true and correct copy of A-5997.
- 16                  8. Attached as Exhibit 8 is foundational materials in support of A-5997, including true
- 17 and correct copies of:
- 18                  • Excerpts of Joint Pretrial Statement (ECF No. 1141)
- 19                  • ORCL00034267
- 20                  • ORCL00160564
- 21                  • 11/8/10 Trial Tr. (Ellison) at 781:10-14
- 22                  • 7/23/08 Richard Blotner Deposition at 118:4-5
- 23                  • A-6411
- 24                  9. Attached as Exhibit 9 is a true and correct copy of A-6042-1.
- 25                  10. Attached as Exhibit 10 is foundational materials in support of A-6042-1, including
- 26 true and correct copies of:
- 27                  • ORCL00034303
- 28                  • 4/24/09 Juan Jones Deposition at 58:6-10, 58:12-17

- 1 • 5/13/09 Juergen Rottler Deposition at 25:6-14, 25:16-25
- 2 • 4/24/09 Juan Jones Deposition at 40:17-41:6, 41:20-42:2
- 3 • 5/13/09 Juergen Rottler Deposition at 31:8-33:17
- 4 • 4/24/09 Juan Jones Deposition at 29:12-17
- 5 • 4/24/09 Juan Jones (as played at Trial 11/15/10) at 21:24-22:5
- 6 • 4/29/09 Juan Jones Deposition at 43:7-17
- 7 • 5/13/09 Juergen Rottler Deposition at 22:5-21
- 8 • 7/23/08 Richard Blotner Deposition at 98:7-99:3
- 9 • 9/16/08 Richard Cummins Deposition at 34:5-22, 24-25
- 10 • 8/7/09 Paul Duggan Deposition at 23:16-24
- 11 • February 23, 2010 Oracle Expert Report of Paul Meyer (excerpt)
- 12 • ORCL00039277
- 13 • ORCL00653682
- 14 11. Attached as Exhibit 11 is a true and correct copy of A-6205-1.
- 15 12. Attached as Exhibit 12 is foundational materials in support of A-6205-1, including
- 16 true and correct copies of:
- 17 • ORCL00034305
- 18 • 9/16/08 Richard Cummins Deposition at 10:2-11; 14:3-23, 14:25-15:11; 27:6-23;
- 19 49:11-13
- 20 • February 23, 2010 Oracle Expert Report of Paul Meyer (excerpt)
- 21 13. Attached as Exhibit 13 is a true and correct copy of A-5193.
- 22 14. Attached as Exhibit 14 is foundational materials in support of A-5193, including true
- 23 and correct copies of:
- 24 • Pls.' Resp. & Objs. to Interrogatory No. 98 in Defs.' 5th Set of Interrogatories
- 25 • 9/16/08 Richard Cummins Deposition at 82:22-83:8
- 26 • 9/16/08 Richard Cummins Deposition at 34:5-25
- 27 • 8/7/09 Paul Duggan Deposition at 21:23-22:25
- 28 • 8/7/09 Paul Duggan Deposition at 23:16-24

1 15. Attached as Exhibit 15 is a true and correct copy of A-5995.

2 16. Attached as Exhibit 16 is foundational materials in support of A-5995, including true  
3 and correct copies of:

- 4 • ORCL00034305
- 5 • ORCL00160564
- 6 • 4/24/09 Juan Jones Deposition (as played at Trial 11/15/10) at 20:3-6; 24:10-18;  
7 25:3-20; 43:7-10
- 8 • 4/24/09 Juan Jones Deposition at 29:12-17
- 9 • 7/23/09 Richard Blotner Deposition at 98:7-99:3
- 10 • 4/22/09 Richard Cummins Deposition at 491:24-492:8
- 11 • 9/16/08 Richard Cummins Deposition at 60:17-61:11
- 12 • 7/23/09 Richard Blotner Deposition at 118:4-5
- 13 • February 23, 2010 Oracle Expert Report of Paul Meyer (excerpt)
- 14 • A-5997
- 15 • A-6411

16 17. Attached as Exhibit 17 is a true and correct copy of A-5058.

17 18. Attached as Exhibit 18 is foundational materials in support of A-5058, including true  
18 and correct copies of:

- 19 • 9/16/08 Richard Cummins Deposition at 126:10-19
- 20 • 5/6/09 Nancy Lyskawa Deposition at 108:25-109:2
- 21 • 9/26/08 Buffy Ransom Deposition at 28:4-21
- 22 • 8/7/09 Paul Duggan Deposition at 18:1-23
- 23 • 9/16/08 Richard Cummins Deposition at 34:5-22, 24-25
- 24 • 8/7/09 Paul Duggan Deposition at 23:16-24
- 25 • ORCL00012545

26 19. Attached as Exhibit 19 is a true and correct copy of A-5002-1.

27 20. Attached as Exhibit 20 is foundational materials in support of A-5002-1, including a  
28 true and correct copy of:

- 1                   • 10/21/09 Dan Restmeyer Deposition at 104:19-105:9; 107:11-16
- 2           21. Attached as Exhibit 21 is a true and correct copy of an entry from A-0059 concerning
- 3 Merck.
- 4           22. Attached as Exhibit 22 is foundational materials in support of an entry from A-0059
- 5 concerning Merck, including true and correct copies of:
- 6                   • ORCL00034317
- 7                   • ORCL00318663
- 8                   • Pls' Resp. & Objs. to Interrogatory No. 98 in Defs.' 5th Set of Interrogatories
- 9                   • 9/16/08 Richard Cummins Deposition at 34:5-22, 24-25
- 10                  • 8/7/09 Paul Duggan Deposition at 21:23-22:25
- 11                  • 8/7/09 Paul Duggan Deposition at 23:16-24
- 12           23. Attached as Exhibit 23 is a true and correct copy of an entry from A-0059 concerning
- 13 Stora Enso.
- 14           24. Attached as Exhibit 24 is foundational materials in support of an entry from A-0059
- 15 concerning Stora Enso, including true and correct copies of:
- 16                   • ORCL00034316
- 17                   • ORCL00034318
- 18                   • Pls.' Resp. & Objs. to Interrogatory No. 98 in Defs.' 5th Set of Interrogatories
- 19                   • 9/16/08 Richard Cummins Deposition at 82:22-83:8
- 20                   • 9/16/08 Richard Cummins Deposition at 85:13-14
- 21                   • 9/16/08 Richard Cummins Deposition at 34:5-25
- 22                   • 8/7/09 Paul Duggan Deposition at 21:23-22:25
- 23                   • 8/7/09 Paul Duggan Deposition at 23:16-24
- 24           25. Attached as Exhibit 25 is general foundational materials in support of A-0059,
- 25 including true and correct copies of:
- 26                   • 2/13/08 Hearing Transcript at 152:24-154:11
- 27                   • 9/30/10 Hearing Transcript at 10:15-12:14
- 28                   • 3/5/09 Elizabeth Shippy Deposition at 40:3-41:10

- 1 • 9/25/08 Elizabeth Shippy Deposition at 81:4-82:3, 82:5-15
- 2 • 9/25/08 Elizabeth Shippy Deposition at 88:12-23, 89:4-11
- 3 • 9/23/08 Richard Cummins Deposition at 309:21-23
- 4 • 9/23/08 Richard Cummins Deposition at 303:15-304:3
- 5 • 9/23/08 Richard Cummins Deposition at 305:7-18
- 6 • 9/23/08 Richard Cummins Deposition at 320:23-321:2, 321:5-9, 321:11-17
- 7 • 9/16/08 Richard Cummins Deposition at 74:2-75:14
- 8 • 9/23/08 Richard Cummins Deposition at 269:19-270:8
- 9 • 9/25/08 Elizabeth Shippy Deposition at 106:4-14

10 26. Attached as Exhibit 26 are foundational materials in support of evidence concerning  
11 Oracle's sales and support group, including true and correct copies of:

- 12 • 7/23/08 Richard Blotner Deposition at 11:19-12:2
- 13 • 4/24/09 Juan Jones Deposition at 25:3-20
- 14 • 9/10/09 Michael Van Boening Deposition at 152:10-15
- 15 • 9/16/08 Richard Cummins Deposition at 27:16-23
- 16 • 8/7/09 Paul Duggan Deposition at 23:16-24

17 27. Attached as Exhibit 27 is a true and correct copy of an entry from A-6624 (excerpt).

18 28. Attached as Exhibit 28 is a true and correct copy of A-4089.

19 29. Attached as Exhibit 29 is a true and correct copy of A-6086.

20 30. Attached as Exhibit 30 is foundational materials in support of A-6086, including a true  
21 and correct copy of:

- 22 • ORCL00034188

23 31. Attached as Exhibit 31 is a true and correct copy of the "Chart of Willfulness  
24 Evidence" created by Defendants in support of the Joint Statement Regarding Exhibit Objections  
25 (ECF No. 1182).

26 32. Attached as Exhibit 32 is a true and correct copy of the "Chart of 'Hypothetical'  
27 License Evidence" created by Defendants in support of the Joint Statement Regarding Exhibit  
28 Objections (ECF No. 1182).

- 1 33. Attached as Exhibit 33 is a true and correct copy of PTX-0008.
- 2 34. Attached as Exhibit 34 is a true and correct copy of PTX-0012.
- 3 35. Attached as Exhibit 35 is a true and correct copy of PTX-0014.
- 4 36. Attached as Exhibit 36 is a true and correct copy of PTX-0024.
- 5 37. Attached as Exhibit 37 is a true and correct copy of PTX-0161.
- 6 38. Attached as Exhibit 38 is a true and correct copy of PTX-0960.
- 7 39. Attached as Exhibit 39 is a true and correct copy of PTX-4809.
- 8 40. Attached as Exhibit 40 is a true and correct copy of PTX-4819.
- 9 41. Attached as Exhibit 41 is a true and correct copy of PTX-7028.
- 10 42. Attached as Exhibit 42 is a true and correct copy of the 11/2/10 Trial Transcript from
- 11 *Oracle USA, Inc. et al. v. SAP AG et al.*, Case No. 07-CV-1658 PJH (EDL).
- 12 43. Attached as Exhibit 43 is a true and correct copy of the 11/4/10 Trial Transcript from
- 13 *Oracle USA, Inc. et al. v. SAP AG et al.*, Case No. 07-CV-1658 PJH (EDL).
- 14 44. Attached as Exhibit 44 is a true and correct copy of the 11/8/10 Trial Transcript from
- 15 *Oracle USA, Inc. et al. v. SAP AG et al.*, Case No. 07-CV-1658 PJH (EDL).
- 16 45. Attached as Exhibit 45 is a true and correct copy of the 11/9/10 Trial Transcript from
- 17 *Oracle USA, Inc. et al. v. SAP AG et al.*, Case No. 07-CV-1658 PJH (EDL).
- 18 46. Attached as Exhibit 46 is a true and correct copy of the 11/15/10 Trial Transcript from
- 19 *Oracle USA, Inc. et al. v. SAP AG et al.*, Case No. 07-CV-1658 PJH (EDL).
- 20 47. Attached as Exhibit 47 is a true and correct copy of the 11/18/10 Trial Transcript from
- 21 *Oracle USA, Inc. et al. v. SAP AG et al.*, Case No. 07-CV-1658 PJH (EDL).
- 22 48. Attached as Exhibit 48 is a true and correct copy of the 11/19/10 Trial Transcript from
- 23 *Oracle USA, Inc. et al. v. SAP AG et al.*, Case No. 07-CV-1658 PJH (EDL).
- 24 49. Attached as Exhibit 49 is a true and correct copy of the 11/22/10 Trial Transcript from
- 25 *Oracle USA, Inc. et al. v. SAP AG et al.*, Case No. 07-CV-1658 PJH (EDL).
- 26 50. Attached as Exhibit 50 is a true and correct copy of Oracle's Opening Statement
- 27 Demonstratives from *Oracle USA, Inc. et al. v. SAP AG et al.*, Case No. 07-CV-1658 PJH (EDL).
- 28 51. Attached as Exhibit 51 is a true and correct copy of the "Paul K. Meyer Expert

1 Demonstratives” from *Oracle USA, Inc. et al. v. SAP AG et al.*, Case No. 07-CV-1658 PJH (EDL).

2 52. Attached as Exhibit 52 is a true and correct copy of an excerpt from the 1/5/09 Shai  
3 Agassi Deposition, as played on 11/4/10 at the *Oracle USA, Inc. et al. v. SAP AG et al.*, Case No.  
4 07-CV-1658 PJH (EDL) trial.

5 53. Attached as Exhibit 53 is a true and correct copy of an excerpt from the 11/12/08  
6 Werner Brandt Deposition in *Oracle USA, Inc. et al. v. SAP AG et al.*, Case No. 07-CV-1658 PJH  
7 (EDL).

8 54. Attached as Exhibit 54 is a true and correct copy of an excerpt from the 11/13/08  
9 Werner Brandt Deposition in *Oracle USA, Inc. et al. v. SAP AG et al.*, Case No. 07-CV-1658 PJH  
10 (EDL).

11 55. Attached as Exhibit 55 is a true and correct copy of an excerpt from the 8/12/09 Eileen  
12 McMillan Deposition in *Oracle USA, Inc. et al. v. SAP AG et al.*, Case No. 07-CV-1658 PJH  
13 (EDL).

14 56. Attached as Exhibit 56 is a true and correct copy of an excerpt from the 12/10/09  
15 Gerhard Oswald Deposition, as played on 11/4/10 at the *Oracle USA, Inc. et al. v. SAP AG et al.*,  
16 Case No. 07-CV-1658 PJH (EDL) trial.

17 57. Attached as Exhibit 57 is a true and correct copy of an excerpt from the 12/2/09 John  
18 Ritchie Deposition in *Oracle USA, Inc. et al. v. SAP AG et al.*, Case No. 07-CV-1658 PJH (EDL).

19 58. Attached as Exhibit 58 is a true and correct copy of the 5/24/12 Hearing Transcript  
20 from the *Oracle USA, Inc. et al. v. SAP AG et al.*, Case No. 07-CV-1658 PJH (EDL) case.

21 59. Attached as Exhibit 59 is a true and correct copy of a 6/4/12 email from Nitin Jindal to  
22 Joshua Fuchs.

23 Dated: August 2, 2012

JONES DAY

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

26 Counsel for Defendants  
27 SAP AG, SAP AMERICA, INC., and  
28 TOMORROWNOW, INC.