

# EXHIBIT 59

**OTHER SUPPORT  
MATERIALS**





**Subject:**  
RE: Oracle v. SAP -- Defendants' Objections to Oracle's Counter-Counter Deposition Designations

**From:**  
Jindal, Nitin  
06/04/2012 07:44 PM

**To:**  
'Joshua L Fuchs'

**Cc:**  
"Pickett, Donn", "Howard, Geoff", "Jane L Froyd", "Jason McDonell",  
"kdlynott@jonesday.com", "Papay, Kevin M.", "McCornock, Kirstie", "Kieran Ringgenberg", "nmperry@jonesday.com", "smccarthy@jonesday.com", "Scott Cowan",  
"Greg Lanier"  
Show Details

History: This message has been replied to and forwarded.

2 Attachments



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Josh,

In order to ensure that we are productive and efficient, Oracle proposes that we meet and confer on Wednesday regarding any designations that do not involve any issues that will be addressed at the hearing on Friday. For those designations that may be impacted by the Court's rulings, we will be ready to efficiently work through the process after the hearing.

Please let us know which deponents you believe are not affected by the issues that will be addressed at Friday's hearing.

Nitin

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**From:** Joshua L Fuchs [<mailto:jlfuchs@JonesDay.com>]

**Sent:** Monday, June 04, 2012 2:18 PM

**To:** Jindal, Nitin

**Cc:** Pickett, Donn; Howard, Geoff; Jane L Froyd; Jason McDonell; kdlynott@jonesday.com; Papay, Kevin M.; McCornock, Kirstie; Kieran Ringgenberg; nmperry@jonesday.com; smccarthy@jonesday.com; Scott Cowan; Greg Lanier

**Subject:** RE: Oracle v. SAP -- Defendants' Objections to Oracle's Counter-Counter Deposition Designations

Nitin,

Given the fact that the parties have briefing due, at the latest, by June 13th, Defendants believe that the parties should stick to the previously agreed schedule and begin the meet and confer today. The parties should be able to make some progress over the course of this week which will, of course, be supplemented by the guidance provided on the 8th.

Josh



**Joshua L. Fuchs • Bio**

717 Texas Street, Suite 3300 • Houston, TX 77002  
 DIRECT 832.239.3719 • FAX 832.239.3600 • [jlfuchs@jonesday.com](mailto:jlfuchs@jonesday.com)

From: "Jindal, Nitin" <[nitin.jindal@bingham.com](mailto:nitin.jindal@bingham.com)>  
 To: "Joshua L Fuchs" <[jlfuchs@JonesDay.com](mailto:jlfuchs@JonesDay.com)>, "Howard, Geoff" <[geoff.howard@bingham.com](mailto:geoff.howard@bingham.com)>, "Pickett, Donn" <[donn.pickett@bingham.com](mailto:donn.pickett@bingham.com)>, "Kieran Ringgenberg" <[kringgenberg@BSFLLP.com](mailto:kringgenberg@BSFLLP.com)>, "McCormock, Kirstie" <[kirstie.mccormock@bingham.com](mailto:kirstie.mccormock@bingham.com)>, "Papay, Kevin M." <[kevin.papay@bingham.com](mailto:kevin.papay@bingham.com)>  
 Cc: "Greg Lanier" <[tglanier@JonesDay.com](mailto:tglanier@JonesDay.com)>, "Jason McDonell" <[jmcdonell@JonesDay.com](mailto:jmcdonell@JonesDay.com)>, "Scott Cowan" <[swcowan@JonesDay.com](mailto:swcowan@JonesDay.com)>, "Jane L Froyd" <[jfroyd@JonesDay.com](mailto:jfroyd@JonesDay.com)>, "nmperry@jonesday.com" <[nmperry@jonesday.com](mailto:nmperry@jonesday.com)>, "kdlynott@jonesday.com" <[kdlynott@jonesday.com](mailto:kdlynott@jonesday.com)>, "smccarthy@jonesday.com" <[smccarthy@jonesday.com](mailto:smccarthy@jonesday.com)>  
 Date: 06/04/2012 02:00 PM  
 Subject: RE: Oracle v. SAP -- Defendants' Objections to Oracle's Counter-Counter Deposition Designations

Josh,

Oracle is committed to efficiently completing pre-trial tasks in preparation for trial. However, this Friday's hearing will address many of the issues raised in the parties' deposition designation objections. As you noted, the 2010 trial included too much needless effort related to objections. To avoid letting that happen again, Oracle proposes that we begin the meet and confer process after the hearing.

We will respond to your email regarding trial logistics separately.

Best regards,

Nitin

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**From:** Joshua L Fuchs [<mailto:jlfuchs@JonesDay.com>]  
**Sent:** Sunday, June 03, 2012 9:02 PM  
**To:** Howard, Geoff; Pickett, Donn; Kieran Ringgenberg; McCormock, Kirstie; Papay, Kevin M.  
**Cc:** Greg Lanier; Jason McDonell; Scott Cowan; Jane L Froyd; nmperry@jonesday.com; kdlynott@jonesday.com; smccarthy@jonesday.com  
**Subject:** Oracle v. SAP -- Defendants' Objections to Oracle's Counter-Counter Deposition Designations

Attached are Defendants' objections to Oracle's counter-counter deposition designations provided on May 29, 2012.

Please note that the lack of an objection to testimony related to an exhibit should not be construed as a waiver of any objections Defendants have to that exhibit, if offered as evidence at trial. Additionally, to the extent that any objections related to such exhibits are resolved through the parties' meet and confer process or by the Court, Defendants reserve the right to supplement their objections to the related deposition testimony.

Further, to the extent that Defendants missed an objection to the overwhelming amount of testimony designated by Oracle that relates solely to the subjects of Defendants' motions in limine (especially numbers 1 and 2), Defendants shall not be considered to have "opened of the door" or have waived their rights as to Defendants' motions or the Court's orders. Additionally, Defendants reserve the right to supplement and amend these objections during the meet and confer process and until they are ultimately presented to the Court.

As agreed, Defendants are prepared to begin the meet and confer process tomorrow. Since both sides have a substantial number of objections, Defendants propose that the parties start at the beginning of the alphabet and attempt to deal with approximately ten witness per day with the goal of finishing all witnesses by Thursday.

Please let us know when you are available tomorrow for the first meet and confer.

Josh

**Joshua L. Fuchs • Bio**

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717 Texas Street, Suite 3300 • Houston, TX 77002  
DIRECT 832.239.3719 • FAX 832.239.3600 • jlfuchs@jonesday.com

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