

United States District Court  
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ORACLE CORPORATION, et al.,  
Plaintiffs,  
v.  
SAP AG, et al.,  
Defendants.

No. C-07-01658 PJH (EDL)

**ORDER FOLLOWING DISCOVERY  
CONFERENCE**

On October 10, 2008, this Court held a discovery conference in this matter. As stated at the hearing, the Court makes the following order:

1. Defendants shall produce the backup tape from server DCITBU01 to Plaintiffs no later than October 27, 2008. Subject to any unforeseen technical difficulties or scheduling conflicts with the Department of Justice, the parties may conduct a live inspection of server AS/400 no later than November 15, 2008.
2. With regard to targeted searches, Defendants shall provide additional information regarding Plaintiffs' targeted searches no later than October 20, 2008. Production shall take place within 90 days as discussed at the conference, with documents produced on a rolling basis. Although the parties indicated in their statement that there may be a dispute as to the number of targeted searches that had been served that may require the Court to rule on how many targeted searches had been propounded, the parties stated at the conference that there was no issue regarding the number of targeted searches that had been served.
3. The parties shall continue to meet and confer regarding the time range for discovery. If the

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parties cannot reach an agreement, the parties shall provide a joint statement regarding their dispute to the Court no later than October 24, 2008.

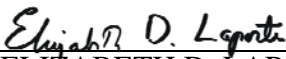
4. The parties shall continue to meet and confer regarding discovery of Seibel, eBusinessSuite, Hyperion and Retek. If the parties are not able to resolve this issue, Plaintiffs may file a motion to compel.

5. As stated at the conference, Defendants shall unredact the language at the second bullet point and the last sentence of the third bullet point under paragraph 1(a) on SAP-OR00208082. Defendants shall also unredact the language at the last bullet point under paragraph 3(a) on SAP-OR00208089. With respect to SAP-OR00012465, despite Plaintiffs' mischaracterization of the case law, the Court concludes that the redacted language reflects an intent to seek legal advice that is protected under the attorney-client privilege. See United States v. Chevron Texaco Corp., 241 F. Supp. 2d 1065, 1077, 1080 (N.D. Cal. 2002) ("Therefore, internal communications [between nonlawyers] that reflect matters about which the client intends to seek legal advice are protected.").

6. Further discovery conferences are scheduled for November 25, 2008 at 2:00 p.m. and January 8, 2009 at 2:00 p.m. The parties shall submit joint discovery conference statements no later than one week before the discovery conference.

**IT IS SO ORDERED.**

Dated: October 16, 2008

  
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ELIZABETH D. LAPORTE  
United States Magistrate Judge