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19 UNITED STATES DISTRICT COURT  
 20 NORTHERN DISTRICT OF CALIFORNIA  
 21 SAN FRANCISCO DIVISION

22 ORACLE CORPORATION, *et al.*,  
 23 Plaintiffs,  
 24 v.  
 25 SAP AG, *et al.*,  
 26 Defendants.

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

**JOINT STATUS REPORT  
 REGARDING MEET AND CONFER  
 PROGRESS RELATING TO THE  
 TIME RANGE FOR DISCOVERY**

Date: N/A  
 Time: N/A  
 Courtroom: N/A  
 Judge: Hon. Elizabeth D. Laporte

1 Plaintiffs Oracle Corporation, Oracle USA, Inc., and Oracle International Corporation  
2 (collectively, "Oracle") and Defendants SAP AG, SAP America, Inc., and TomorrowNow, Inc.  
3 (collectively, "Defendants," and with Oracle, the "Parties") hereby submit this Joint Status Report  
4 Regarding Meet And Confer Progress Relating To The Time Range For Discovery.

5 Paragraph 3 of this Court's October 16, 2008 Order Following Discovery Conference  
6 states that "The parties shall continue to meet and confer regarding the time range for discovery.  
7 If the parties cannot reach an agreement, the parties shall provide a joint statement regarding their  
8 dispute to the Court no later than October 24, 2008." The purpose of this status report is to advise  
9 the Court of the parties' meet and confer progress on that issue.

10 The Parties continue to meet and confer on the timing and scope of production in response  
11 to requests for production, interrogatory responses and targeted searches beyond the previously-  
12 agreed discovery time ranges. As the Court is aware, the Parties agreed at the start of discovery  
13 to a presumptive January 1, 2004 front-end cut-off date for responsive materials, with a further  
14 agreement that certain topics or later discovery may warrant adjustments to this general rule.  
15 Oracle's recently-filed Third Amendment Complaint alleges wrongdoing dating back to 2002 and  
16 post-dating the filing of the original Complaint. The Parties continue to agree that it may be  
17 possible and appropriate for the Parties to locate and produce certain limited categories of  
18 responsive documents, from certain custodians and document sources, that date back to at least  
19 January 1, 2002, as well as certain limited categories of documents post-dating the filing of this  
20 action.

21 On October 10, 2008, Oracle provided a written proposal regarding the expansion of the  
22 time ranges for discovery related to certain topics. Defendants provided a written counter-  
23 proposal on October 23, 2008 and the parties continued to meet and confer on this issue that same  
24 day. Progress has been made, but a final agreement has not been reached. Therefore, the parties  
25 have committed to continue to meet and confer during the week of October 27, 2008, with the  
26 goal of either reaching resolution on this issue by November 7, 2008 or on that date providing a  
27 joint statement to the Court of any remaining disputes on this topic. The parties remain hopeful  
28 that they can resolve this issue by agreement, without the need for Court intervention.

1 DATED: October 24, 2008

JONES DAY

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By:           /s/ Jason McDonell            
Jason McDonell  
Attorneys for Defendants  
SAP AG, SAP AMERICA, INC., and  
TOMORROWNOW, INC.

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In accordance with General Order No. 45, Rule X, the above signatory attests that  
9 concurrence in the filing of this document has been obtained from the signatory below.

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10 DATED: October 24, 2008

BINGHAM McCUTCHEN LLP

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By:           /s/ Holly A. House            
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Attorneys for Plaintiffs  
Oracle Corporation, Oracle International  
Corporation, and Oracle USA, Inc.

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