

1 BINGHAM McCUTCHEM LLP
 2 DONN P. PICKETT (SBN 72257)
 3 GEOFFREY M. HOWARD (SBN 157468)
 4 HOLLY A. HOWARD (SBN 136045)
 5 ZACHARY J. ALINDER (SBN 209009)
 6 BREE HANN (SBN 215695)
 7 Three Embarcadero Center
 8 San Francisco, CA 94111-4067
 9 Telephone: (415) 393-2000
 10 Facsimile: (415) 393-2286
 11 donn.pickett@bingham.com
 12 geoff.howard@bingham.com
 13 holly.house@bingham.com
 14 zachary.alinder@bingham.com
 15 bree.hann@bingham.com

9 DORIAN DALEY (SBN 129049)
 10 JENNIFER GLOSS (SBN 154227)
 11 500 Oracle Parkway, M/S 5op7
 12 Redwood City, CA 94070
 13 Telephone: (650) 506-4846
 14 Facsimile: (650) 506-7114
 15 dorian.daley@oracle.com
 16 jennifer.gloss@oracle.com

14 Attorneys for Plaintiffs
 15 Oracle USA, Inc., Oracle International Corporation, and
 16 Oracle EMEA Limited

16 UNITED STATES DISTRICT COURT
 17 NORTHERN DISTRICT OF CALIFORNIA
 18 SAN FRANCISCO DIVISION

19 ORACLE USA, INC., *et al.*,
 20 Plaintiffs,
 21 v.
 22 SAP AG, *et al.*,
 23 Defendants.

CASE NO. 07-CV-01658 PJH (EDL)
PROOF OF SERVICE

1 **PROOF OF SERVICE**

2 I am over eighteen years of age, not a party in this action, and employed in San
3 Francisco County, California at Three Embarcadero Center, San Francisco, California 94111-
4 4067. I am readily familiar with the practice of this office for collection and processing of
5 correspondence for mail/fax/hand delivery/next business day delivery, and they are deposited
6 that same day in the ordinary course of business.

7 On January 16, 2009, I served the attached:

8 **[REDACTED] DECLARATION OF GEOFFREY M.
9 HOWARD IN SUPPORT OF PLAINTIFFS' MOTION TO
10 COMPEL PRODUCTION OF DOCUMENTS, ANSWERS
11 TO INTERROGATORIES, AND RULE 30(b)(6)
12 TESTIMONY RELATED TO HYPERION, RETEK, AND
13 EBS PRODUCTS**

14 **EXHIBITS A-J**

15 (BY FAX) on _____, at _____ m, by transmitting via
16 facsimile the document(s) listed above to the fax number(s) set forth below on this
17 date. The facsimile machine I used complied with California Rules of Court, Rule
18 2003(3) and the transmission was reported as complete and without error by the
19 machine. Pursuant to California Rules of Court, Rule 2008(e)(4), I caused the
20 machine to print a transmission record of the transmission, a copy of which is
21 attached to this declaration.

22 (BY MAIL) by causing a true and correct copy of the above to be placed in the
23 United States Mail at San Francisco, California in sealed envelope(s) with postage
24 prepaid, addressed as set forth below. I am readily familiar with this law firm's
25 practice for collection and processing of correspondence for mailing with the
26 United States Postal Service. Correspondence is deposited with the United States
27 Postal Service the same day it is left for collection and processing in the ordinary
28 course of business.

(EXPRESS MAIL/OVERNIGHT DELIVERY) by causing a true and correct copy
of the document(s) listed above to be delivered by _____ in sealed
envelope(s) with all fees prepaid at the address(es) set forth below.

(PERSONAL SERVICE) by causing a true and correct copy of the above
documents to be hand delivered in sealed envelope(s) with all fees fully paid to the
person(s) at the address(es) set forth below.

(VIA EMAIL) by transmitting a true and correct copy via email the document(s)
listed above on this date before 5:00 p.m. PST to the person(s) at the email
address(es) set forth below.



(VIA LEXISNEXIS) by causing a true and correct copy of the document(s) listed above to be sent via electronic transmission through LexisNexis File & Serve to the person(s) at the address(es) set forth below.

4 Robert A. Mittelstaedt, Esq.
5 Jason McDonell, Esq.
6 Elaine Wallace, Esq.
7 Jones Day
8 555 California Street, 26th Floor
9 San Francisco, CA 94104
10 Tel: (415) 626-3939

Tharan Gregory Lanier, Esq.
Jane L. Froyd, Esq.
Jones Day
Silicon Valley Office
1755 Embarcadero Road
Palo Alto, CA 94303
Tel: (650) 739-3939

8 Scott W. Cowan, Esq.
9 Joshua L. Fuchs, Esq.
10 Jones Day
11 717 Texas, Suite 3300
12 Houston, TX 77002
13 Tel: (832) 239-3721

13 I declare under penalty of perjury under the laws of the State of California that the
14 foregoing is true and correct and that this declaration was executed on January 16, 2009, at San
15 Francisco, California.

19 By: /s/ Jennifer Hernandez
20 Jennifer Hernandez