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 15

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)

**DECLARATION OF JENNIFER
 GLOSS IN SUPPORT OF ORACLE'S
 OPPOSITION TO DEFENDANTS'
 MOTION TO COMPEL DISCOVERY
 CONCERNING THIRD PARTY
 SUPPORT PROVIDED BY
 ORACLE'S PARTNERS**

Date: February 10, 2009
 Time: 2 p.m.
 Place: Courtroom E, 15th Floor
 Judge: Hon. Elizabeth D. Laporte

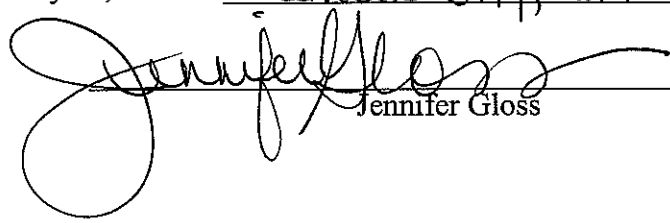
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I, Jennifer Gloss, declare as follows:

1. I am Senior Corporate Counsel at Oracle USA, Inc. I have personal knowledge of the facts set forth in this declaration and would competently testify to them if called upon to do so.

2. On or about November 21st, 2007, I spoke with Dale Coggins, counsel for CedarCrestone, concerning the scope of the subpoena. I advised Ms. Coggins that a mistake had been made and that Oracle only intended to subpoena information regarding the two acquisition-related topics: (i) CedarCrestone's consideration of investment in, and possible acquisition of, TomorrowNow, including due diligence documents, communications concerning such due diligence documents, and (ii) any representations that were made in connection with negotiations between Defendants and CedarCrestone, particularly relating to any liability issues.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on January 23, 2009 at Redwood City, California.


Jennifer Gloss