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SAP AG, SAP AMERICA, INC., and
TOMORROWNOW, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

ORACLE CORPORATION, et al.,

Plaintiffs,

v.

SAP AG, et al.,

Defendants.

Case No. 07-CV-1658 PJH

**REPLY DECLARATION OF JASON
MCDONELL IN SUPPORT OF MOTION TO
COMPEL DISCOVERY CONCERNING
THIRD PARTY SUPPORT PROVIDED BY
ORACLE'S PARTNERS**

Date: February 10, 2009

Time: 2:00 PM

Courtroom: E, 15th Floor

Judge: Hon. Elizabeth D. Laporte

1 I, JASON MCDONELL, declare:

2 I am a partner with the law firm of Jones Day and counsel for Defendants in the above-
3 captioned matter. I make this declaration based on personal knowledge and, if called upon to do
4 so, could testify competently thereto.

5 1. Attached hereto as **Exhibit 1** is a true and correct copy of pages downloaded from
6 CedarCrestone's website. For ease of reference, I have caused the pages to be numbered pages 1
7 through 14.

8 2. I am informed and believe that George Weston Bakeries and Integris Health are
9 former customers of TomorrowNow, which based upon disclosures on CedarCrestone's website,
10 are now customers of CedarCrestone. *See* Exhibit 1, pp. 10-14.

11 3. Attached hereto as **Exhibit 2** are true and correct copies of excerpts from a
12 transcript of the January 8, 2009 discovery conference before this Court.

13 4. Attached hereto as **Exhibit 3** is a true and correct copy of Plaintiffs' Responses
14 and Objections to Defendant TomorrowNow Inc.'s Third Set of Interrogatories (redacted to
15 remove material claimed by Plaintiffs to be confidential).

16 5. Attached hereto as **Exhibit 4** is a true and correct copy of a page from a document
17 produced by Plaintiffs during discovery in this case (redacted to remove material claimed by
18 Plaintiffs to be confidential), Bates numbered ORCL00079745.

19 I declare under penalty of perjury under the laws of the United States and the State of
20 California that the foregoing is true and correct.

21 Executed this 27th day of January 2009 in San Francisco, California.

22
23 /s/ Jason McDonell
24 Jason McDonell
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