

1 Robert A. Mittelstaedt (SBN 060359)
 Jason McDonell (SBN 115084)
 2 Elaine Wallace (SBN 197882)
 JONES DAY
 3 555 California Street, 26th Floor
 San Francisco, CA 94104
 4 Telephone: (415) 626-3939
 Facsimile: (415) 875-5700
 5 ramittelstaedt@jonesday.com
 jmcdonell@jonesday.com
 6 ewallace@jonesday.com

7 Tharan Gregory Lanier (SBN 138784)
 Jane L. Froyd (SBN 220776)
 8 JONES DAY
 1755 Embarcadero Road
 9 Palo Alto, CA 94303
 Telephone: (650) 739-3939
 10 Facsimile: (650) 739-3900
 tglanier@jonesday.com
 11 jfroyd@jonesday.com

12 Scott W. Cowan (Admitted *Pro Hac Vice*)
 Joshua L. Fuchs (Admitted *Pro Hac Vice*)
 13 JONES DAY
 717 Texas, Suite 3300
 14 Houston, TX 77002
 Telephone: (832) 239-3939
 15 Facsimile: (832) 239-3600
 swcowan@jonesday.com
 16 jlfuncs@jonesday.com

17 Attorneys for Defendants
 SAP AG, SAP AMERICA, INC., and
 18 TOMORROWNOW, INC.

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

22 ORACLE USA, INC., et al.,

23 Plaintiffs,

24 v.

25 SAP AG, et al.,

26 Defendants.

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

**DEFENDANTS' EXHIBIT C TO THE
 PARTIES' FEBRUARY 9, 2009 JOINT
 DISCOVERY STATEMENT**

Date: February 13, 2009

Time: 2:00 p.m.

Courtroom: E, 15th Floor

Judge: Hon. Elizabeth D. Laporte

1 Defendants SAP AG, SAP America, Inc., and TomorrowNow, Inc. (collectively,
2 “Defendants”) hereby submit Exhibit C to the parties’ Joint Discovery Statement filed with the
3 Court on February 9 2009 (Dkt. No. 265). As discussed in Section 6 of the Joint Statement (*id.* at
4 9-10), Exhibit C contains Defendants’ proposal for de-designation of TomorrowNow documents.
5 For the Court’s convenience, Exhibit C also includes a redline comparison of Oracle’s proposal,
6 submitted on February 9 as Exhibit B to the Joint Statement, and Defendants’ proposal.

7
8
9 Dated: February 10, 2009

JONES DAY

10
11 By: /s/ Scott Cowan
Scott W. Cowan

12 Counsel for Defendants
13 SAP AG, SAP AMERICA, INC., and
14 TOMORROWNOW, INC.