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

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

21 ORACLE USA, INC., et al.,

22 Plaintiffs,

23 v.

24 SAP AG, et al.,

25 Defendants.

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

**DECLARATION OF THARAN GREGORY
LANIER ISO DEFENDANTS' OPPOSITION
TO PLAINTIFFS' MOTION FOR ENTRY
OF FINAL JUDGMENT UNDER FED. R.
CIV. P. 54(B) OR CERTIFICATION FOR
INTERLOCUTORY APPEAL PURSUANT
TO 28 U.S.C. § 1292(B)**

Date: March 4, 2009; Time: 9:00 a.m.
Courtroom: 3, 17th Floor
Judge: Hon. Phyllis J. Hamilton

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1 I, THARAN GREGORY LANIER, declare:

2 1. I am a partner in the law firm of Jones Day, 1755 Embarcadero Road, Palo Alto,
3 California 94303, and counsel of record for Defendants SAP AG, SAP America, Inc., and
4 TomorrowNow, Inc. (collectively, "Defendants") in the above-captioned action. I am a member
5 in good standing of the state bar of California and admitted to practice before this Court. I make
6 this declaration based on personal knowledge and, if called upon to do so, could testify
7 competently thereto.

8 2. On January 21, 2009, Plaintiffs' counsel notified Defendants that Plaintiffs
9 intended to file the present motion. This communication was the first notice to Defendants that
10 Plaintiffs intended to file this motion or contended that the Court's ruling was unclear. Attached
11 as Exhibit 1 is a true and correct copy of e-mail correspondence between Plaintiffs' counsel and
12 Defendants' counsel relating to this motion.

13 3. Attached as Exhibit 2 is a true and correct copy of pages 1 and 19-20 of the
14 Transcript of Proceedings from the November 26, 2008, hearing on Defendants' FRCP 12(b)(1)
15 and 12(b)(6) Motion to Dismiss Plaintiffs' Claims.

16 I declare under penalty of perjury under the laws of the United States and the State of
17 California that the foregoing is true and correct. Executed this 11th day of February, 2009 in Palo
18 Alto, California.

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/s/ Tharan Gregory Lanier
Tharan Gregory Lanier