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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)

**JOINT DISCOVERY CONFERENCE  
STATEMENT**

Date: May 5, 2009  
Time: 2:00 p.m.  
Courtroom: E, 15th Floor  
Judge: Hon. Elizabeth D. Laporte

1 Plaintiffs Oracle USA, Inc., Oracle International Corporation, and Oracle EMEA Limited  
2 (collectively, "Oracle") and Defendants SAP AG, SAP America, Inc., and TomorrowNow, Inc.  
3 (collectively, "Defendants," and with Oracle, the "Parties") submit this Joint Discovery  
4 Conference Statement.

5 The March 31 Discovery Conference resolved several discovery disputes between the  
6 Parties. The Parties continue to meet and confer about several remaining discovery disputes,  
7 including sufficiency and timing of document productions, adequacy of Rule 30(b)(6) witnesses,  
8 and sufficiency of interrogatory responses, but are willing to mutually defer presentation of  
9 outstanding issues to allow for additional meet and confer. They accordingly request that the  
10 May 5 Discovery Conference be taken off the calendar. The Parties will continue their meet and  
11 confer and will raise any further issues with the Court in the next Discovery Conference  
12 Statement.

13 Further, the Parties continue to make progress towards proposed joint relief they may seek  
14 from Judge Hamilton regarding: (1) potential additional motion practice; (2) what, if any,  
15 adjustment should be made to the case and trial schedule and discovery limitations; and (3)  
16 Oracle's possible addition of parties and claims relating to other software lines, including Siebel.

17 The Parties jointly request that the Court schedule sixty minutes on May 26, 2009 to  
18 discuss discovery issues, with a Joint Discovery Conference Statement due on May 19, 2009.  
19 The Parties further jointly request that the Court schedule sixty minutes during the week of June  
20 15, 2009 to discuss discovery issues, with a Joint Discovery Conference Statement due on June 9,  
21 2009.

22 DATED: April 28, 2009

BINGHAM McCUTCHEN LLP

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25 By: \_\_\_\_\_ /s/  
26 Zachary J. Alinder  
27 Attorneys for Plaintiffs  
Oracle USA, Inc., Oracle International  
Corporation, and Oracle EMEA Limited

28 In accordance with General Order No. 45, Rule X, the above signatory attests that

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concurrence in the filing of this document has been obtained from the signatory below.  
DATED: April 28, 2009

JONES DAY

By: \_\_\_\_\_ /s/  
Jason McDonell  
Attorneys for Defendants  
SAP AG, SAP AMERICA, INC., and  
TOMORROWNOW, INC.