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May 29, 2009

VIA ELECTRONIC FILING

The Honorable Elizabeth D. Laporte
 United States District Court
 Northern District of California
 450 Golden Gate Avenue
 San Francisco, California 94102
 Courtroom E, 15th Floor

Re: Oracle USA, Inc., et al. v. SAP AG, et al., Case No. 07-CV-1658

Dear Judge Laporte:

Oracle objects to the Proposed Order unilaterally submitted by Defendants on two grounds.

First, the parties have not yet met and conferred, as the Court ordered the Parties to do, on the burden associated with providing the information that the Court has ordered Oracle to provide. Defendants first proposed a meet and confer at 10:19 p.m. last night. This morning, Oracle indicated to Defendants that since Tuesday it had been diligently collecting burden information to provide to Defendants, but due to the hearing before Judge Hamilton yesterday and the holiday week, had not completed that task. Oracle therefore proposed a meet and confer next Wednesday, but Defendants insisted it had to be today. Next week, Oracle expects to provide detailed burden information and proposed solutions to Defendants, and to then discuss how to address those issues in a Proposed Order.

Second, Oracle first received Defendants' requested Proposed Order today at 11:00 a.m. It contains provisions not discussed or ordered by the Court at the hearing to which Oracle objected, and it does not accurately reflect the Court's guidance about the derivative work and acquisition-related topics that were discussed. Oracle provided Defendants with these comments and objections by email, and therefore did meet and confer about the substance of Defendants' Proposed Order contrary to their enclosure letter. Defendants did not change their Proposed Order to reflect Oracle's comments and objections, and instead filed it over Oracle's objection.

Accordingly, Oracle will file a Proposed Order for the Court's consideration that will address the problems with Defendants' Proposed Order, and Oracle will provide the basis for each of its changes, after the Parties meet and confer next week.

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Respectfully submitted,



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