

EXHIBIT F

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

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

23 ORACLE USA, INC., et al.,

24 Plaintiffs,

25 v.

26 SAP AG, et al.

27 Defendants.
 28

Case No. 07-CV-1658 PJH

**DEFENDANT TOMORROWNOW, INC.'S
 SECOND AMENDED AND SUPPLEMENTAL
 RESPONSES TO PLAINTIFF ORACLE
 CORP.'S THIRD SET OF
 INTERROGATORIES AND SAP AMERICA,
 INC.'S, AND SAP AG'S SECOND AMENDED
 AND SUPPLEMENTAL RESPONSES TO
 PLAINTIFF ORACLE CORP.'S SECOND SET
 OF INTERROGATORIES**

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INTERROGATORY NO. 8:

For any tax or regulatory updates delivered by SAP TN to any Customer after March 22, 2007, explain all ways in which SAP TN has used any Local Environment or Software and Support Material.

1 **RESPONSE TO INTERROGATORY NO. 8:**

2 **ALL ANSWERS TO THIS REQUEST ARE DESIGNATED AS CONFIDENTIAL**
3 **INFORMATION**

4 *TomorrowNow's Answer*

5 In addition to Defendants' General Objections and Responses, TomorrowNow objects that
6 the request is overly broad and unduly burdensome. In addition, TomorrowNow objects to the
7 extent the Interrogatory purports to require TomorrowNow to create a compilation, abstract, or
8 summary from business records that TomorrowNow has already produced or will produce.
9 TomorrowNow also objects that the information being requested is unreasonably cumulative or
10 duplicative of discovery already being conducted by Plaintiffs. TomorrowNow further objects
11 that the information being sought can be obtained by a more convenient source, namely
12 depositions that Plaintiffs have already taken. TomorrowNow further objects that this request
13 imposes a burden or obligation the Parties have not yet agreed to. The Parties are still in the
14 process of meeting and conferring regarding the limited issues for which the parties will agree to
15 expand the discovery time period. This request is outside of the parties currently agreed discovery
16 time period. TomorrowNow further objects to this Interrogatory to the extent that it calls for
17 information protected by the attorney-client or work product privileges. TomorrowNow will not
18 provide such privileged information. Subject to and without waiving its Objections,
19 TomorrowNow respond as follows:

20 TomorrowNow has used PeopleSoft local environments and PeopleSoft software and
21 support materials after March 22, 2007 in accordance with the TomorrowNow Rule 30(b)(6)
22 deposition testimony provided on June 25, 2008. This testimony was provided pursuant to
23 Plaintiffs' Notice of TomorrowNow, Inc. Pursuant to Federal Rule of Civil Procedure 30(b)(6),
24 dated April 23, 2008. TomorrowNow has used PeopleSoft local environments and PeopleSoft
25 software and support materials for the development process, the unit testing process, the bundle
26 testing process, and the delivery process. TomorrowNow has also used PeopleSoft local
27 environments and PeopleSoft software and support materials in identifying and responding to
28 customer questions and problems. Pursuant to Federal Rule of Civil Procedure 33(d),

1 TomorrowNow further refers Plaintiffs to the production of the SAS database relating to Waste
2 Management. *See* Bates No. TN-OR 01823633 a/k/a TN(Disc).76.

3 TomorrowNow has not used JDE local environments for any tax or regulatory updates
4 delivered by TomorrowNow to any customer after March 22, 2007. TomorrowNow has not used
5 JDE software and support materials for any tax or regulatory updates delivered by TomorrowNow
6 to any customer after March 22, 2007.

7 ***SAP America's and SAP AG's Answer***

8 In addition to Defendants' General Objections and Responses, SAP objects that the
9 request is overly broad and unduly burdensome. In addition, SAP objects to the extent the
10 Interrogatory purports to require SAP to create a compilation, abstract, or summary from business
11 records that TomorrowNow has already produced or will produce. SAP also objects that the
12 information being requested is unreasonably cumulative or duplicative of discovery already being
13 conducted by Plaintiffs. SAP further objects that the information being sought can be obtained by
14 a more convenient source namely depositions that Plaintiffs have already taken. SAP further
15 objects that this request imposes a burden or obligation the Parties have not yet agreed to. The
16 Parties are still in the process of meeting and conferring regarding the limited issues for which the
17 parties will agree to expand the discovery time period. This request is outside of the parties
18 currently agreed discovery time period. SAP further objects to this Interrogatory to the extent
19 that it calls for information protected by the attorney-client or work product privileges. SAP will
20 not provide such privileged information. Subject to and without waiving their Objections, SAP
21 responds as follows:

22 SAP has no additional knowledge other than what is reflected in TomorrowNow's answer
23 to this Interrogatory.

24 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 8:**

25 **ALL ANSWERS TO THIS REQUEST ARE DESIGNATED AS CONFIDENTIAL**
26 **INFORMATION**

27 This compound request would require TomorrowNow to chronicle information that
28 involved numerous employees, took place over a year period, and is too complex and detailed to

1 describe in an Interrogatory response. Pursuant to Rule 33(d), TomorrowNow points Plaintiffs to
2 the SAS database, which is the tool TomorrowNow used to chronicle its business efforts to
3 service clients. See TN-OR01823633, TN(Disc).76, TN-OR 03775478, TN(Hard drive).67, TN-
4 OR 04446717, TN(Disc).173, TN-OR 04446719, TN(Hard drive).75. Pursuant to Rule 33(d),
5 TomorrowNow also relies on the extensive deposition testimony that has been taken on the tax or
6 regulatory updates provided by TomorrowNow to its customers after the litigation commenced.
7 See June 25, 2008 Deposition of Rod Russell Pursuant to Rule 30(b)(6); June 25, 2008
8 Deposition of Larry Garcia Pursuant to Rule 30(b)(6); June 25, 2008 Deposition of Sharon Piper
9 Pursuant to Rule 30(b)(6); April 1, 2008 Deposition of Kathy Williams Pursuant to Rule 30(b)(6);
10 April 1, 2008 Deposition of Catherine Hyde Pursuant to Rule 30(b)(6); February 12, 2009
11 Deposition of Catherine Hyde; May 12, 2009 Deposition of Catherine Hyde; February 5, 2009
12 Deposition of Rod Russell. Further, since January 2008, TomorrowNow was to follow the
13 policies and procedures in the Compliance Guidelines for Support Services to service its
14 customers. See SAP-OR00631484–SAP-OR00631485; TN-OR03775494–TN-OR03775495.

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INTERROGATORY NO. 10:

Identify all entities not listed on Exhibit 1 to SAP TN's First Set of Requests for Production to Oracle for whom any Defendant has downloaded Software and Support Materials, and Identify the corresponding Software and Support Materials.

1 **RESPONSE TO INTERROGATORY NO. 10:**

2 **ALL ANSWERS TO THIS REQUEST ARE DESIGNATED AS CONFIDENTIAL**
 3 **INFORMATION**

4 *TomorrowNow's Answer*

5 In addition to Defendants' General Objections and Responses, TomorrowNow objects that
 6 the request is overly broad and unduly burdensome. TomorrowNow further objects that this is a
 7 compound request and if submitted properly would be two separate individual requests. In
 8 addition, TomorrowNow objects to the extent the Interrogatory purports to require
 9 TomorrowNow to create a compilation, abstract, or summary from business records that
 10 TomorrowNow has already produced or will produce. TomorrowNow also objects that the
 11 information being requested is unreasonably cumulative or duplicative of discovery already being
 12 conducted by Plaintiffs. TomorrowNow further objects to the extent that the request assumes that
 13 TomorrowNow downloaded software and support materials for all entities listed on Exhibit 1 to
 14 TomorrowNow's First Set of Requests for Production to Plaintiffs. TomorrowNow's response to
 15 this request interprets the word "entities" as referring to all current, former or prospective
 16 customers of TomorrowNow. TomorrowNow objects to any other interpretation of the word
 17 "entities" in the context of this request as not being not relevant to any of Plaintiffs' claims in this
 18 case and such an interpretation would also make the request vague, overly broad and unduly
 19 burdensome. TomorrowNow further objects to this Interrogatory to the extent that it calls for
 20 information protected by the attorney-client or work product privileges. TomorrowNow will not
 21 provide such privileged information. Subject to and without waiving its Objections,
 22 TomorrowNow responds as follows:

23 TomorrowNow downloaded material from Customer Connection for the following entities
 24 not contained on Exhibit 1:

- 25 • Apria Health Care (JDE) – \\dcitbu01\JDE\JDE Delivered Updates & Fixes\Apria Health
 26 Care
- 27 • Fuelserv (JDE) – \\dcitbu01\JDE\JDE Delivered Updates & Fixes\Fuelserv
- 28 • Banta Global Turnkey (JDE) – \\JD-wsvr01\JDE Delivered Updates &
 Fixes\NewDownloads\Banta Global Turnkey

- 1 • Lonestar (PS) – \\dcitbu01\Downloads\PeopleSoft\Lonestar
- 2 • Park Stuff (PS) – \\dcitbu01\Downloads\Peoplesoft\Park Stuff
- 3 • TBC (JDE) – \\dcitbu01\JDE\JDE Delivered Updates & Fixes\TBC Corp
- 4 • Thomson Financials (PS) – \\dcitbu01\Downloads\PeopleSoft\Thomson Financials

5 Pursuant to Federal Rule of Civil Procedure 33(d), TomorrowNow directs Plaintiffs to the
6 customer downloads that TomorrowNow either has or will produce. Additionally, all customer
7 downloads are being made available to Plaintiffs through the Data Warehouse. The exact file
8 paths for these downloads are contained in the list above.

9 ***SAP America's and SAP AG's Answer***

10 In addition to Defendants' General Objections and Responses, SAP objects that the
11 request is overly broad and unduly burdensome. SAP further objects that this is a compound
12 request and if submitted properly would be two separate individual requests. In addition, SAP
13 objects to the extent the Interrogatory purports to require SAP to create a compilation, abstract, or
14 summary from business records that TomorrowNow has already produced or will produce. SAP
15 also objects that the information being requested is unreasonably cumulative or duplicative of
16 discovery already being conducted by Plaintiffs. SAP further objects to the extent that the request
17 assumes that TomorrowNow downloaded software and support materials for all entities listed on
18 Exhibit 1 to TomorrowNow's First Set of Requests for Production to Plaintiffs. SAP's response
19 to this request interprets the word "entities" as referring to all current, former or prospective
20 customers of TomorrowNow. SAP objects to any other interpretation of the word "entities" in
21 the context of this request as not being not relevant to any of Plaintiffs' claims in this case and
22 such an interpretation would also make the request vague, overly broad and unduly burdensome.
23 SAP further objects to this Interrogatory to the extent that it calls for information protected by the
24 attorney-client or work product privileges. SAP will not provide such privileged information.
25 Subject to and without waiving its Objections, SAP responds as follows:

26 SAP has no additional knowledge other than what is reflected in TomorrowNow's answer
27 to this Interrogatory.

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1 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 10:**

2 **ALL ANSWERS TO THIS REQUEST ARE DESIGNATED AS CONFIDENTIAL**
3 **INFORMATION**

4 *TomorrowNow's Answer*

5 TomorrowNow further states that it also downloaded material from Customer Connection
6 for the following entities not contained on Exhibit 1:

- 7 • Canada Lands Company (JDE) – believed to have been deleted; and
8 • Energy Northwest (PS) – TN-OR 02989992, TN (Hard Drive).28.

9 *See* TN-OR00049617, TN-OR01225265.

10 Pursuant to Rule 33(d), TomorrowNow directs Plaintiffs to the download locations that
11 have been identified in the current responses to Interrogatory No. 11 from Oracle Corporation's
12 First Set of Interrogatories to TomorrowNow, Inc. Additionally, all identified downloads are
13 being made available to Plaintiffs through the Data Warehouse. TomorrowNow further
14 incorporates by reference its Supplemental Exhibit 1 to its First Sets of Request for Production
15 and Interrogatories to Plaintiffs, produced January 9, 2009.

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