

EXHIBIT I

PROCEEDINGS February 13, 2008

Page 1

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO DIVISION

BEFORE: CHARLES A. LEGGE, JUDGE (Ret.)

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ORACLE CORPORATION, a Delaware)	
corporation; ORACLE, USA, INC.,)	
a Colorado corporation, and)	
ORACLE INTERNATIONAL)	
CORPORATION, a California)	No. 07-CV-01658-MJJ
corporation,)	
)	
Plaintiffs,)	
)	
vs.)	
)	

SAP AG, a German corporation,
 SAP AMERICA, INC., a Delaware
 corporation, TOMORROWNOW, INC.,
 a Texas corporation, and DOES
 1-50, inclusive,

Defendants.

HEARING IN RE DISCOVERY ISSUES

Wednesday, February 13, 2008

At:

JAMS
 2 Embarcadero Center, 14th Floor
 San Francisco, California

Reported by:
 GEORGE SCHUMER, CSR 3326 (406308)

PROCEEDINGS February 13, 2008

Page 32

1 described earlier.

2 MR. COWAN: In response to that, Your Honor, if
3 what Oracle is telling us today is if they had to go
4 through the same manual process I just described, that
5 means there is no easy way on Customer Connection to find
6 this information. We found that out ourselves when we got
7 access to Customer Connection.

8 Quite frankly, if there's no easy way on Customer
9 Connection to do it, there's no easy way for the customers
10 to decide -- knowing their own license rights -- which of
11 these ESU's relate.

12 JUDGE LEGGE: A substantive argument.

13 MR. COWAN: But that's the whole point. What
14 we're trying to do is get to at least a common ground,
15 where we then can focus discovery in this case as to which
16 are the downloaded files they claim.

17 I take them at their word that they went through
18 the same process, but we've got to have that data to be
19 able to move this case forward with respect to downloads.

20 JUDGE LEGGE: In English, what you want is a
21 mapping system which relates the subfiles, as I recall
22 them here, to the products, and to the contracts. Is that
23 right?

24 MR. COWAN: Correct.

25 JUDGE LEGGE: And you, left with the task, would

Page 33

1 have to do it, or engineers would have to do it, on a
2 file-by-file or subfile-by-subfile basis.

3 MR. COWAN: I know we would, and based on what
4 Oracle's counsel just said, that's exactly how we would
5 have to do it.

6 JUDGE LEGGE: Do you have, presently existing,
7 any mapping device or program or code which would
8 eliminate the necessity for doing it one by one?

9 MR. HOWARD: The answer to that, Your Honor, is:
10 "Not that we have been able to generate so far." We're
11 still working on it, because we have the same interest in
12 this that they do.

13 It wasn't our preference to limit the complaint
14 to ESU's with a single system code in them, because we
15 recognize that other ESU's were illegally downloaded that
16 happened to have more than one system code.

17 Customers know what products they are licensed
18 to; they know what system codes apply to the things they
19 are looking for.

20 JUDGE LEGGE: I would think so.

21 MR. HOWARD: So they are not going at it from
22 this reverse direction we're talking about now.

23 JUDGE LEGGE: We're starting with bulk, and
24 trying to break it down.

25 MR. HOWARD: Right. So if we had it, we would be

9 (Pages 30 to 33)

PROCEEDINGS February 13, 2008

Page 34

1 giving it to them. We're working on it, but we don't have
2 something at this point that we can hand over, that will
3 solve -- that will do Mr. Cowan's work for him.

4 JUDGE LEGGE: You know you are going to hear the
5 same thing back again when we start talking about their
6 database.

7 MR. HOWARD: But the difference, Your Honor, is
8 here we have given them -- compiled as much as we can
9 compile.

10 JUDGE LEGGE: You are telling me you do not have
11 a present mapping system.

12 MR. HOWARD: Right.

13 JUDGE LEGGE: But if you were to answer -- I'm
14 putting words in your mouth; please tell me if I'm
15 wrong -- if you were to give them what they want, you
16 would have to go through each one of the subfiles one by
17 one, to produce the code connection or something. Is that
18 right?

19 MR. HOWARD: Yes, and indeed that's what we did
20 to file the complaint.

21 JUDGE LEGGE: I think that describes for me
22 adequately the problems. I'm not going to resolve it at
23 the moment, but then to get back to the more generics --
24 except for this mapping problem, that pretty well solves
25 the question of their producing for you the downloaded

10 (Pages 34 to 37)

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