

# Exhibit I

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
3 MAGISTRATE JUDGE ELIZABETH D. LAPORTE

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5 ORACLE CORPORATION, a Delaware ) Case No. C07-1658  
Corporation; ORACLE, USA, INC., ) PJH(EDL)  
6 a Colorado Corporation; and )  
ORACLE INTERNATIONAL )  
7 CORPORATION, a California )  
Corporation, )

8 )  
Plaintiffs, )

9 )  
vs. ) FURTHER DISCOVERY  
10 ) CONFERENCE  
)

11 SAP AG, a German Corporation; )  
SAP AMERICA, INC., a Delaware )  
12 CORPORATION; TOMORROWNOW, INC.,)  
a Texas Corporation; and DOES )  
13 1-50, Inclusive, )  
)  
14 Defendants. )

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15  
16 November 25, 2008  
17 TRANSCRIPT OF AUDIO RECORDING OF DISCOVERY CONFERENCE

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24  
25 TRANSCRIBED BY: FREDDIE REPPOND

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1 remotely. They don't have to go somewhere.  
2 THE COURT: Right.  
3 MR. COWAN: We first made available a total of  
4 52 partitions of servers. It's a little less than -- a  
5 little less servers, but some servers have more than one  
6 partition on the hard drive; but at 52 partitions they  
7 completed that review in August. And of those 52, 32 of  
8 them they indicated that there were no files that they  
9 wanted copies of immediately; but there were 20 of those  
10 that they did want copies from. Then subsequently since  
11 mid-August until now we made available another net 15  
12 partitions. And of those partitions we just got final  
13 confirmation from them today that that's complete. And  
14 so there's an ongoing effort on our part to produce  
15 copies that they tagged.  
16 The issue really that's in dispute here is the  
17 timing of the production of those copies. And to give  
18 the Court some feel for what volume we're talking about,  
19 to date Defendants have produced 4 -- over 4 million  
20 pages -- 4 million Bates-stamped pages of documents in  
21 this case. The tagged documents that they have out of  
22 this data warehouse are over 5 million files. So it is  
23 a huge number of --  
24 THE COURT: And the files may have more than  
25 one page, of course.

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1 MR. COWAN: A file could be -- what is known  
2 as a TST file. And inside of that is a whole e-mail  
3 inbox that could be thousands if not tens of thousands  
4 of additional documents and pages. And so it does --  
5 there are some things that we can look at and say  
6 there's no need for a file-by-file review because  
7 there's no way this thing just by the nature of it could  
8 be privileged; and we are doing that. We're doing that  
9 in an expeditious way. It just takes time, given the  
10 volume.  
11 We have committed to everything they've tagged  
12 to review and produce in 90 days. Their position is  
13 that's not fast enough. Our position is we're going as  
14 fast as we can and still keeping the other productions  
15 on track.  
16 THE COURT: Well, are you doing it in some  
17 kind of phased way? In other words, the ones that you  
18 determine you don't have to review you're producing  
19 those quickly?  
20 MR. COWAN: Yes, we are. And the phasing that  
21 we're doing is we're letting them focus on what they  
22 want first and prioritize that. There was a partition  
23 on this TNFS01 that they said want pieces of that  
24 immediately; and that involved a lot of review on our  
25 part. But we did review it and we've gotten those