

# EXHIBIT C

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ORACLE CORPORATION, et al.,

Plaintiffs,

vs.

No. C07-1658 PJH (EDL)

SAP AG, et al.,

Defendants.

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REPORTER'S TRANSCRIPTION OF DISCOVERY CONFERENCE

BEFORE: HON. ELIZABETH D. LAPORTE

Friday, October 10, 2008

Reported by:  
CLAUDIA A. BETTUCCHI  
CSR No. 12214  
JOB No. 98424

1 is right for us to negotiate a briefing schedule.

2 THE COURT: Okay.

3 MR. McDONELL: There is one issue that we  
4 think could be addressed now. Very narrow. There is a  
5 third amended complaint that is brand new. It changes  
6 the parties to the case so Oracle corporation is out,  
7 other Oracle authorities are in. And it rejiggers who  
8 owns copyrights in a way that we can't quite understand.  
9 And all of that is contingent on how the various Oracle  
10 affiliates have intercompany agreements by which they  
11 license copyrights.

12 All we are asking for is a statement by the  
13 plaintiffs that they have now produced all of the  
14 relevant intercompany licensing agreements so that we  
15 know we are no longer shooting at a moving target. And  
16 thus far they have declined to confirm or deny, as far  
17 as I know.

18 MR. HOWARD: Well, I don't agree with the  
19 characterization of the complaint. I think the  
20 ownership allegations are the same as they were in the  
21 prior versions of the complaint. But we have produced  
22 all of the documents that we believe support the  
23 allegations of the complaint and demonstrate the  
24 ownership or otherwise the copyright standing of each of  
25 those plaintiffs that are in the current third amended

1 complaint.

2 THE COURT: Okay. But you are asking for a --  
3 and I think a declaration of a person most knowledgeable  
4 as to what?

5 MR. McDONELL: No, I'm willing to take  
6 counsel's representation here on the record that they  
7 have now produced all of the intercompany license  
8 agreements that substantiate which of the entities have  
9 copyrights rights. And I think counsel, as I heard him,  
10 said they have now been produced.

11 MR. HOWARD: Yes. The -- I'm not sure what  
12 copyrights rights are. We've alleged that one of the  
13 plaintiffs owns the copyrights and other plaintiff have  
14 claims of the copyrights. And we have indeed produced  
15 all of the documents that substantiate those allegations  
16 in the complaint.

17 THE COURT: Okay. Have you produced all of  
18 the intercompany agreements that relate to any of the  
19 copyrighted material that is the subject of the  
20 complaint?

21 MR. HOWARD: The reason I'm hesitating, Your  
22 Honor, is because there are a lot of entities and a lot  
23 of intercompany agreements. But what I am confident of  
24 is that we have produced all of the intercompany  
25 agreements that are relevant to determining the

1 ownership or other copyright standing of the named  
2 plaintiffs with respect to each of the copyright  
3 registrations that are identified in the complaint as  
4 the registered works at issue in the case.

5 MR. McDONELL: Then we'll rely on that --

6 THE COURT: Okay.

7 MR. McDONELL: -- for present purposes.

8 THE COURT: All right.

9 MR. McDONELL: I think what he's saying is  
10 that they have produced all of --

11 THE COURT: It sounds like it's sufficient to  
12 show as opposed to everything possible, but that is  
13 normally a good approach.

14 MR. McDONELL: Sufficient to show who owned  
15 what and when they owned it.

16 THE COURT: And that's --

17 MR. McDONELL: We'll rely on that.

18 THE COURT: Yes, but let's just -- so on the  
19 mo- -- you were anticipating a motion to compel with  
20 documents related to potential new plaintiffs? Is that  
21 what this boils down to?

22 MR. McDONELL: It's a little -- it's a little  
23 different issue, and I think we've got that worked out  
24 by agreement. We didn't want to have to start --

25 THE COURT: Right.