

EXHIBIT N

1 Robert A. Mittelstaedt (SBN 060359)
JONES DAY
2 San Francisco Office
555 California Street, 26th Floor
3 San Francisco, CA 94104
Telephone: (415) 626-3939
4 Facsimile: (415) 875-5700
ramittelstaedt@jonesday.com

5
6 Tharan Gregory Lanier (SBN 138784)
Jane L. Froyd (SBN 220776)
JONES DAY
7 Silicon Valley Office
1755 Embarcadero Road
8 Palo Alto, CA 94303
Telephone: (650) 739-3939
9 Facsimile: (650) 739-3900
tglanier@jonesday.com
10 jfroyd@jonesday.com

11 Scott W. Cowan (Admitted *Pro Hac Vice*)
Joshua L. Fuchs (Admitted *Pro Hac Vice*)
12 JONES DAY
717 Texas, Suite 3300
13 Houston, TX 77002
Telephone: (832) 239-3939
14 Facsimile: (832) 239-3600
swcowan@jonesday.com
15 jl fuchs@jonesday.com

16 Attorneys for Defendants
SAP AG, SAP AMERICA, INC., and
17 TOMORROWNOW, INC.

18 UNITED STATES DISTRICT COURT
19 NORTHERN DISTRICT OF CALIFORNIA
20 SAN FRANCISCO DIVISION

21 ORACLE CORPORATION, a Delaware
corporation, ORACLE USA, INC., a Colorado
22 corporation, and ORACLE INTERNATIONAL
CORPORATION, a California corporation,

23 Plaintiffs,

24 v.

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

27 Defendants.
28

Case No. 07-CV-1658 MJJ

**DEFENDANT TOMORROWNOW,
INC.'S RESPONSES AND
OBJECTIONS TO PLAINTIFF
ORACLE'S 30(B)(6) AMENDED
NOTICE OF DEPOSITION**

1 **TOPIC NO. 13:**

2 The manner in which Software and Support Materials, or any support product developed
3 by You, derived by You, or otherwise obtained by You, is maintained, archived, indexed and
4 transmitted to any Customer, including descriptions of hardware and software Used and where
5 this hardware or software is physically located.

6 **RESPONSE TO TOPIC NO. 13:**

7 Subject to and without waiving the General Objections, TomorrowNow agrees to produce
8 a witness on Topic 13.

9 **TOPIC NO. 14:**

10 The use, distribution, transmission or other communication of Software and Support
11 Materials including without limitation (a) the use, distribution, transmission or other
12 communication of Software and Support Materials within SAP TN or between SAP TN, SAP
13 America, and/or SAP AG; (b) the use, distribution, transmission or other communication of
14 Software and Support Materials into, within, or out of any database or storage device, method, or
15 application; (c) the use, distribution, transmission or other communication of Software and
16 Support Materials between You and Your Customers; (d) the hardware and software Used for any
17 such use, distribution, transmission or other communication identified in this paragraph; and (e)
18 any “separate systems,” “firewalls,” or other methods or devices that prevent the distribution,
19 transmission or other communication of Oracle’s Software and Support Materials from You to
20 SAP AG and SAP America.

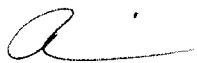
21 **RESPONSE TO TOPIC NO. 14:**

22 TomorrowNow objects that this Topic is vague, and that it is unduly burdensome and
23 overbroad. Subject to and without waiving the foregoing objections and the General Objections,
24 TomorrowNow agrees to produce a witness on Topic 14.

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Dated: October 26, 2007

JONES DAY

By: 

Tharan Gregory Lanier

Counsel for Defendants
SAP AG, SAP AMERICA, INC., and
TOMORROWNOW, INC.

1 **PROOF OF SERVICE**

2 I, Jane Louise Froyd, declare:

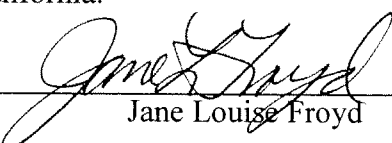
3 I am a citizen of the United States and employed in Santa Clara County, California. I am
4 over the age of eighteen years and not a party to the within-entitled action. My business address
5 is 1755 Embarcadero Road, Palo Alto, California 94303. On October 26, 2007, I served a copy
6 of the attached document(s):

7 **DEFENDANT TOMORROWNOW, INC.'S RESPONSES AND**
8 **OBJECTIONS TO PLAINTIFF ORACLE'S 30(B)(6) AMENDED NOTICE**
9 **OF DEPOSITION**

- 10 by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- 11 by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Palo Alto, California addressed as set forth below.
- 12 by placing the document(s) listed above in a sealed Federal Express envelope and affixing a pre-paid air bill, and causing the envelope to be delivered to a Federal Express agent for delivery.
- 13 by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
- 14 by transmitting via e-mail or electronic transmission the document(s) listed above to the person(s) at the e-mail address(es) set forth below.

15 Christopher B. Hockett
 16 Geoffrey M. Howard
 17 Zachary J. Alinder
 18 Bree Hahn
 19 BINGHAM McCUTCHEN LLP
 20 Three Embarcadero Center
 21 San Francisco, CA 94111-4067
 22 *chris.hockett@bingham.com*
 23 *geoff.howard@bingham.com*
 24 *zachary.alinder@bingham.com*
 25 *bree.hahn@bingham.com*

26 Executed on October 26, 2007, at Palo Alto, California.

27 By: 
28 Jane Louise Froyd