

1 Robert A. Mittelstaedt (SBN 060359)
 Jason McDonell (SBN 115084)
 2 Elaine Wallace (SBN 197882)
 JONES DAY
 3 555 California Street, 26th Floor
 San Francisco, CA 94104
 4 Telephone: (415) 626-3939
 Facsimile: (415) 875-5700
 5 ramittelstaedt@jonesday.com
 jmcdonell@jonesday.com
 6 ewallace@jonesday.com

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

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

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

19 UNITED STATES DISTRICT COURT

20 NORTHERN DISTRICT OF CALIFORNIA

21 SAN FRANCISCO DIVISION

22 ORACLE USA, INC., et al.,

23 Plaintiffs,

24 v.

25 SAP AG, et al.,

26 Defendants.

Case No. 07-CV-1658 PJH (EDL)

**DECLARATION OF THARAN
 GREGORY LANIER ISO DEFENDANTS'
 MOTION FOR PARTIAL SUMMARY
 JUDGMENT REGARDING PLAINTIFFS'
 HYPOTHETICAL LICENSE DAMAGES
 CLAIM [UNREDACTED VERSION OF
 D.I. 433]**

Date: October 28, 2009; Time: 9:00 a.m.

Courtroom: 3, 17th Floor

Judge: Hon. Phyllis J. Hamilton

1 I, THARAN GREGORY LANIER, declare as follows:

2 I am a partner in the law firm of Jones Day, 1755 Embarcadero Road, Palo Alto,
3 California 94303, and counsel of record for Defendants SAP AG, SAP America, Inc. (together,
4 “SAP”) and TomorrowNow, Inc. (“TN”) (collectively, “Defendants”) in the above-captioned
5 action. I am a member in good standing of the state bar of California and admitted to practice
6 before this Court. I make this declaration based on personal knowledge and, if called upon to do
7 so, could testify competently thereto.

8 1. Attached as **Exhibit A** is a true and correct copy of the following excerpts from
9 the March 27, 2009 Safra Catz Deposition: 10:1-11:7, 19:10-27:15, 46:7-47:13, 158:13-161:5.

10 2. Attached as **Exhibit B** is a true and correct copy of the following excerpts from the
11 April 17, 2009 Charles Phillips Deposition: 57:12-58:18, 95:3-96:21, 117:9-120:18.

12 3. Attached as **Exhibit C** is a true and correct copy of the following excerpts from
13 the May 5, 2009 Larry Ellison Deposition: 58:6-10, 73:25-84:6, 85:7-87:17, 114:16-24.

14 4. Attached as **Exhibit D** is a true and correct copy of the following excerpts from
15 the June 2, 2009 Hasso Plattner Deposition: 55:4-58:13, 65:19-68:22.

16 5. Attached as **Exhibit E** is a true and correct copy of the following excerpts from the
17 September 25, 2008 Henning Kagermann Deposition: 167:25-168:7.

18 6. Attached as **Exhibit F** is a true and correct copy of the following excerpts from the
19 October 2, 2008 Leo Apotheker Deposition: 58:10-23.

20 7. Attached as **Exhibit G** is a true and correct copy of Plaintiffs’ deposition Exhibit
21 227, SAP-OR00004988-89.

22 8. Attached as **Exhibit H** is a true and correct copy of pages 1 and 44-51 from
23 Plaintiffs’ Supplemental and Amended Initial Disclosures, dated May 22, 2009.

24 9. Attached as **Exhibit I** is a true and correct copy of a December 10, 2004 article
25 published by CNET.com entitled “This week in OpenWorld news.”

26 10. Attached as **Exhibit J** is a true and correct copy of *Harper House, Inc. v. Thomas*
27 *Nelson, Inc.*, No. CV 85-4225-PAR, 1987 WL 30581 (C.D. Cal. Aug. 28, 1987).

28 11. Attached as **Exhibit K** is a true and correct copy of *Multitherm Corp. v. Fuhr*, Civ.

1 A. No. 89-6151, 1991 WL 146233 (E.D. Pa. July 24, 1991).

2 I declare under penalty of perjury under the laws of the United States and the State of
3 California that the foregoing is true and correct. Executed this 26th day of August, 2009 in Palo
4 Alto, California.

5
6 /s/ Tharan Gregory Lanier
Tharan Gregory Lanier

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