

## EXHIBIT W

1 Robert A. Mittelstaedt (SBN 060359)  
Jason McDonell (SBN 115084)  
2 Elaine Wallace (SBN 197882)  
JONES DAY  
3 555 California Street, 26<sup>th</sup> 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 OAKLAND 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)

**DEFENDANTS' SECOND  
AMENDED AND SUPPLEMENTAL  
RESPONSES TO PLAINTIFFS'  
SECOND SET OF REQUESTS FOR  
ADMISSION TO DEFENDANTS  
TOMORROWNOW, INC., SAP AG,  
AND SAP AMERICA, INC.**

**CONFIDENTIAL PURSUANT TO  
PROTECTIVE ORDER**

1 **PROPOUNDING PARTIES:** Plaintiffs Oracle USA, Inc., Oracle International  
2 Corporation, and Oracle EMEA, Ltd.

3 **RESPONDING PARTY:** Defendants TomorrowNow, Inc., SAP America, Inc., and  
4 SAP AG

5 **SET NUMBER:** Two

6 Pursuant to Rules 26 and 36 of the Federal Rules of Civil Procedure, defendants  
7 TomorrowNow, Inc., SAP America, Inc., and SAP AG respond and object as follows to the  
8 second set of requests for admission from plaintiffs Oracle USA, Inc., Oracle International  
9 Corporation, and Oracle EMEA, Ltd. (“Plaintiffs”).

10 **GENERAL OBJECTIONS AND RESPONSES**

11 The following General Objections apply to and are incorporated by reference into each  
12 response set forth below. These objections are made without waiver of, or prejudice to, these or  
13 other objections Defendants may make; all such objections are expressly preserved.

14 1. Defendants object to each Request for Admission to the extent that it enlarges  
15 upon or is otherwise inconsistent with the duties imposed by the Federal Rules of Civil Procedure,  
16 the Local Rules for the Northern District of California, any applicable order of this Court, or any  
17 agreement of the parties.

18 2. Defendants object to each Request for Admission to the extent that it seeks  
19 information that is not within Defendants’ possession, custody, or control.

20 3. Defendants object to each Request for Admission to the extent that it seeks  
21 information that is not relevant to any claim or defense in this action, or is not reasonably  
22 calculated to lead to the discovery of admissible evidence that is relevant to any claim or defense,  
23 under Rule 26(b)(1) of the Federal Rules of Civil Procedure. Defendants specifically object to  
24 each request for admission as unduly burdensome, oppressive and calling for information that is  
25 not relevant to any claim or defense of any party, to the extent the admission seeks information  
26 unrelated to the PeopleSoft, J.D. Edwards (“JDE”) or Siebel products as to which TomorrowNow  
27 provided support to customers. PeopleSoft, JDE and Siebel products are the only products  
28 Plaintiffs have placed at issue in the allegations in this case and are the only products for which

1 Defendants will produce documents or data except to the very limited extent the parties have  
2 agreed. *See* May 29, 2009 Letter from Jason McDonell to Hon. Elizabeth D. Laporte (“Plaintiffs’  
3 Agreement Not to Pursue the Relief Granted in the Court’s May 28, 2009 Order Following  
4 Discovery Conference”). Defendants will respond with respect to Siebel only to the extent  
5 required by the Court’s June 4, 2009 Stipulated Revised Case Management and Pretrial Order.

6 4. Defendants object to each Request for Admission as unreasonable and unduly  
7 burdensome to the extent that it requests information that is already within Plaintiffs’ possession,  
8 already known or disclosed to Plaintiffs, or readily accessible and/or equally available to  
9 Plaintiffs or is available from public sources.

10 5. Defendants object to each Request for Admission to the extent that it seeks  
11 information protected by the attorney-client privilege, the work-product immunity, or is protected  
12 from production by any other applicable privilege or immunity. Inadvertent disclosure of any  
13 privileged communications or work product shall not constitute a waiver of privilege or of any  
14 other basis for objecting to discovery with respect to such information.

15 6. Defendants object to each Request for Admission to the extent that it improperly  
16 seeks a legal conclusion.

17 7. Defendants object to each Request for Admission to the extent that it seeks  
18 information containing trade secrets, proprietary information, or other confidential or  
19 competitively sensitive business information. Such information will be provided only subject to  
20 the protective order in this case.

21 8. Defendants object to the extent the relevant time period is undefined, defined  
22 vaguely, or includes time periods that are not relevant to any claim or issue in this case.

23 9. Defendants object to the definition of “Copy” as being overly broad, unduly  
24 burdensome, vague, and not reasonably calculated to lead to the discovery of admissible evidence  
25 to the extent it purports to encompass anything beyond the term as defined under U.S. copyright  
26 law. Defendants further object to Plaintiffs’ use of the term “copy” in these requests as  
27 improperly shifting the burden of proof to Defendants.  
28

1           10. Defendants object to the definition of “Customer” to the extent the requests  
2 containing the term require Defendants to produce data for all of “Defendants’ current and former  
3 customers.” The definition is overly broad, unduly burdensome, designed to harass and not  
4 reasonably calculated to lead to the discovery of admissible evidence. Defendants will only  
5 respond to the extent the Customer had a contract with TomorrowNow.

6           11. Defendants object to the definition of “Database” as overly broad, vague, and  
7 ambiguous to the extent the term is defined as a component of a PeopleSoft environment  
8 “generally referred to by the ‘DATABASE\_RESTORE’ field in BakTrak” and to the extent the  
9 definition is said to include “application engine files.” The general reference to a BakTrak field  
10 designed to track whether a database restore occurred does not provide a specific definition of this  
11 term and is confusing. Further, Defendants object to the term “application engine files” to the  
12 extent the use of the word “file” excludes “definitions.”

13           12. Defendants object to the definition of “Download” to the extent the requests  
14 containing the term require Defendants to produce data regarding material not downloaded from  
15 the “Customer Connection” website. As Plaintiffs state in their fourth objection to  
16 TomorrowNow’s First Set of Interrogatories, “[o]ther Oracle support websites or FTP sites are  
17 not at issue in this litigation, and . . . [the] definition calls for irrelevant materials and would  
18 impose an excessive burden . . . .” The definition of “Download” calls for irrelevant materials  
19 and imposes an excessive burden.

20           13. Defendants object to the definition of “Employees” as being overly broad, unduly  
21 burdensome, vague, and not reasonably calculated to lead to the discovery of admissible evidence  
22 to the extent that it encompasses persons “purporting to act on behalf of the entity to which the  
23 term refers.”

24           14. Defendants object to the definition of “Environment” as being overly broad,  
25 unduly burdensome, vague, and not reasonably calculated to lead to the discovery of admissible  
26 evidence to the extent it includes individual environment components and is not intended to only  
27 refer to all environment components working as one unit.  
28

1 15. Defendants object to the definition of “Fix” as being overly broad, unduly  
2 burdensome, vague, and not reasonably calculated to lead to the discovery of admissible evidence  
3 to the extent it includes Master Fix records as included in the SAS database

4 16. Defendants object to the definition of “Fix Object” as overly broad, vague,  
5 confusing, and inaccurate to the extent it includes the phrases “discrete unit of code” and “units of  
6 code,” as not all objects contain code. Defendants object to the use of the term “any” as overly  
7 broad and unduly burdensome. Defendants further object that the definition is overly broad,  
8 unduly burdensome, vague, and not reasonably calculated to lead to the discovery of admissible  
9 evidence to the extent it includes the undefined terms “functions” and “other data structures.”  
10 Moreover, Defendants object that the list of what is included in the definition (“PeopleCode  
11 objects, fields, records, pages, menus, components, messages, panels, stored statements, panel  
12 groups, rule packages, COBOL source code files, COBOL executables, SQR files, SQC files,  
13 writer files, Crystal Reports files, SQL scripts, database creation scripts, DAT files, DMS files,  
14 project files, batch files, configuration files, or other similar units of code contained in the  
15 PeopleSoft or JD Edwards products serviced or supported by any Defendant”) is overly broad,  
16 vague, ambiguous, duplicative, and misleading because this list includes: (1) terms which were  
17 not normally part of an object as that term was used at TomorrowNow, e.g., “database creation  
18 scripts,” “COBOL executables,” and “configuration files”; (2) terms which can have the same  
19 meaning, e.g. “panels” and “pages”; and (3) terms which are very broad and undefined, e.g.,  
20 “writer files,” “project files,” and “batch files.” Defendants will respond as if the undefined term  
21 “object” was used in “fix object’s” place.

22 17. Defendants object to the definition of “Generic Environment” as being overly  
23 broad, unduly burdensome, vague, and not reasonably calculated to lead to the discovery of  
24 admissible evidence. Defendants further object that the term “generic environment” is misleading  
25 to the extent that it includes HR751CSS as an example, as Defendants deny that HR751CSS is a  
26 generic environment. Defendants further object to the definition of “Generic Environment” to the  
27 extent it incorporates the overly broad, unduly burdensome, and vague term “Environment,” to  
28 which Defendants object above.

1 18. Defendants object to the definition of “Local Environment” as being overly broad,  
2 unduly burdensome, vague, and not reasonably calculated to lead to the discovery of admissible  
3 evidence to the extent it is not limited to all environment components working as one unit and  
4 located at TomorrowNow. Defendants further object to the definition of “Local Environment” to  
5 the extent it incorporates the overly broad, unduly burdensome, and vague term “Environment,”  
6 to which Defendants object above.

7 19. Defendants object to the definition of “Online Objects” as being overly broad,  
8 unduly burdensome, vague, and not reasonably calculated to lead to the discovery of admissible  
9 evidence to the extent it incorporates the overly broad, unduly burdensome, and vague term  
10 “Environment,” to which Defendants object above.

11 20. Defendants object to the definition of “PS\_Home” as overly broad, vague, and  
12 ambiguous to the extent the term is defined as a component of a PeopleSoft environment  
13 “generally referred to by the ‘NT\_RESTORE’ and ‘UNIX\_RESTORE’ fields in BakTrak” and to  
14 the extent that the definition is stated to include “writer files.” The general reference to a  
15 BakTrak field designed to track whether a PS\_Home restore occurred does not provide a specific  
16 definition of this term and is confusing. Further, Defendants object to the term “writer files” as  
17 undefined, vague, and ambiguous.

18 21. Defendants object to the definition of “Registered Work” as being overly broad,  
19 unduly burdensome, vague, and not reasonably calculated to lead to the discovery of admissible  
20 evidence to the extent it purports to include “any subsequently added copyright registrations in  
21 any later amended complaint” or any copyright registrations beyond those identified in the Third  
22 Amended Complaint. Defendants further object to the definition of “Registered Work” to the  
23 extent it purports to encompass anything beyond the term as defined under U.S. copyright law.  
24 Defendants further object to Plaintiffs’ use of the term “registered work” in these requests as  
25 improperly shifting the burden of proof to Defendants.

26 22. Defendants object to Plaintiffs’ definitions of “SAP AG,” “SAP America,” “SAP  
27 TN,” “You,” or “Your” to the extent that those definitions include persons or entities other than  
28 TomorrowNow, SAP America and SAP AG. Defendants further object to the extent Plaintiffs’

1 definitions improperly expand the scope of discovery by seeking data that is not currently in the  
2 possession, custody or control of Defendants.

3 23. Defendants objects to Plaintiffs' definition of "SAP IP" as being unduly  
4 burdensome, vague, and not reasonably calculated to lead to the discovery of admissible evidence.

5 24. Defendants object to Plaintiffs' definition and use of the term "SAP TN," as  
6 TomorrowNow, Inc. is not now and never has been known as SAP TN.

7 25. Defendants object to the definition of "Software and Support Materials" to the  
8 extent the definition includes Siebel-branded products, which are only at issue in the litigation  
9 pursuant to the limits imposed by the Court's June 4, 2009 Stipulated Revised Case Management  
10 and Pretrial Order. Defendants will only respond consistent with those limits.

11 26. Defendants object to the definition of "Update" as being overly broad, unduly  
12 burdensome, vague, and not reasonably calculated to lead to the discovery of admissible evidence  
13 to the extent it includes "fix," a term to which Defendants object above.

14 27. Defendants' responses to Plaintiffs' Requests for Admission do not constitute  
15 admissions or acknowledgements that the information sought is within the proper scope of  
16 discovery or admissible at trial.

17 28. Defendants' discovery and investigation in connection with this case are  
18 continuing. As a result, Defendants' responses are limited to information obtained and reviewed  
19 to date, and are given without prejudice to Defendants' right to amend or supplement their  
20 responses based on newly obtained or reviewed information.

21 29. Under Fed. R. Civ. P. 36(b), any and all admissions made by Defendants through  
22 the following responses are made for the purpose of this pending civil action only and are not an  
23 admission for any other purpose nor may any such admissions be used against Defendants in any  
24 other proceeding.

25 **SUPPLEMENTAL GENERAL OBJECTIONS AND RESPONSES**

26 The following Supplemental General Objections and Responses add to and, to the extent  
27 expressly stated, modify the General Objections and Responses above and apply to and are  
28 incorporated by reference into each response set forth below. These objections are made without



1 waiver of, or prejudice to, these or other objections Defendants may make; all such objections are  
2 expressly preserved.

3 30. Defendants withdraw their general objections to the term “Database” as that term  
4 is defined in the modified definitions and requests sent to Defendants on September 28, 2009.

5 31. Defendants withdraw their general objections to the term “PS\_Home” as that term  
6 is defined in modified definitions and requests sent to Defendants on September 28, 2009.

7 32. Defendants supplement their general objections to the term “Generic  
8 Environment” as that term is defined in modified definitions and requests sent to Defendants on  
9 September 28, 2009 as follows: Defendants object to the definition of “Generic Environment” as  
10 being overly broad, unduly burdensome, vague, and not reasonably calculated to lead to the  
11 discovery of admissible evidence. “Generic Environment” is a term created by Plaintiffs and as  
12 used and defined by Plaintiffs is misleading by attempting to suggest that any such environment  
13 or environment component was not used for limited customers, scope or purpose. Defendants  
14 further object to the definition of “Generic Environment” to the extent it incorporates the overly  
15 broad, unduly burdensome, and vague term “Environment,” to which Defendants object above.

16 33. Defendants withdraw their general objection above to the definition of “Develop”  
17 or “Developed” based on the new definition provided to Defendants by Plaintiffs on September  
18 28, 2009. To the extent those terms are used in Plaintiffs’ requests or Defendants’ responses  
19 below, Defendants incorporate by reference the modified definition of those two terms provided  
20 by Plaintiffs on September 28, 2009.

21 34. Because of the complex, technical nature of Plaintiffs’ requests and Defendants’  
22 responses, Defendants specifically object to a number of terms (e.g., obtain(ed), creat(ed),  
23 generate(d), download(ing), apply(ied), use(ing), and replicate(d)) used in Plaintiffs’ requests  
24 because when those terms are read in context with the requests, they are capable of having  
25 multiple meanings and thus, make the requests overly broad, vague and ambiguous. To the extent  
26 Defendants provide an answer to any of Plaintiffs’ requests that use these terms, the use of such  
27 terms in Defendants’ answer shall be construed in context with both the plain meaning of the  
28 terms and TomorrowNow’s applicable employees’ general use of those terms during all relevant

1 time periods that are applicable to the request and the corresponding answer.

2 **REQUESTS FOR ADMISSION**

3 **REQUEST FOR ADMISSION NO. 155:**

4 Admit that, prior to 2005, Oracle Software and Support Materials Downloaded by SAP  
5 TN on behalf of SAP TN's PeopleSoft Customers were stored in a directory structure titled  
6 "PS\PS delivered updates and fixes."

7 **RESPONSE TO REQUEST FOR ADMISSION NO. 155:**

8 Defendants object to this request on the grounds stated in the General Objections and  
9 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
10 respect to the information sought in this request because Defendants SAP AG and SAP America  
11 have no additional knowledge separate and apart from the information provided by Defendant  
12 TomorrowNow in this response. Defendants object to the terms "downloaded" and "stored" as  
13 being subject to multiple meanings and, as such, being vague and ambiguous.

14 Subject to the General Objections and Responses and these specific objections,  
15 Defendants lack sufficient knowledge and information to either admit or deny these requests as  
16 the information sought was not tracked, recorded, or maintained by TomorrowNow in a "readily  
17 obtainable manner." On this basis, therefore, these requests are DENIED. However, Defendant  
18 TomorrowNow ADMITS that a storage location for downloads prior to 2005 was a directory  
19 structure titled "PS\PS delivered updates and fixes." After a reasonable inquiry, Defendants lack  
20 sufficient information to admit that it is the directory structure where each and every download  
21 was stored. That information is not available in a "readily obtainable manner" and, therefore, to  
22 the extent that the request is not admitted, it is DENIED.

23 **REQUEST FOR ADMISSION NO. 156:**

24 Admit that the Oracle Software and Support Materials stored in the "PS\PS delivered  
25 updates and fixes" directory structure described in Request for Admission No. 1 have never been  
26 organized, separated, or otherwise distinguished by the PeopleSoft Customers on whose behalf  
27 they were Downloaded.

28

1 phrase “other media” are subject to multiple meanings and, as such, are vague and ambiguous.  
2 Subject to the General Objections and Responses and these specific objections, this request is  
3 DENIED.

4 **REQUEST FOR ADMISSION NO. 496:**

5 Admit that each Fix or Update listed in the first two columns of Exhibit A (Deposition  
6 Exhibit 913) was Developed in part by using PeopleSoft application software that TN originally  
7 obtained from one or more Customers.

8 **RESPONSE TO REQUEST FOR ADMISSION NO. 496:**

9 Defendants object to this request on the grounds stated in the General Objections and  
10 Responses. Defendants’ response is based solely on Defendant TomorrowNow’s knowledge with  
11 respect to the information sought in this request because Defendants SAP AG and SAP America  
12 have no additional knowledge separate and apart from the information provided by Defendant  
13 TomorrowNow in this response. Defendants object to the request because the terms “Fix,”  
14 “Update,” “application software,” and “developed” are capable of multiple meanings and thus,  
15 make this request vague and ambiguous. Further, Exhibit A lists the names of master bundles as  
16 that term was used by TomorrowNow in the SAS database. The master bundles are not the actual  
17 objects that are developed for TomorrowNow customers. Master bundles and master fixes are  
18 records that simply identify problems for which TomorrowNow generally developed objects to  
19 resolve. The object development often took place at the release level, source level, and customer  
20 level. If this request is actually asking for information related to each and every object  
21 TomorrowNow developed, this number is more in line with the 33,185 listed in Plaintiffs’ Exhibit  
22 D to Plaintiffs’ Third Set of Requests for Admissions to SAP AG, SAP America, and  
23 TomorrowNow. To respond to this question, Defendants would have to analyze each individual  
24 object in each fix or update contained within each master bundle. Defendants, therefore, object to  
25 this request as compound and unduly burdensome in that this request seeks information and  
26 activities that (1) involved many thousands of objects, (2) involved numerous employees, (3) took  
27 place over several years, and (4) would require Defendants to review substantial business records  
28 to determine an answer, if possible, for each of the numerous numbers of objects contained within

1 the fixes and updates, and Defendants' burden in doing so would be substantially similar to the  
2 burden for Plaintiffs to do so given that the available information is at least as equally accessible  
3 to Plaintiffs as it is to Defendants.

4 Subject to the General Objections and Responses and these specific objections, after a  
5 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
6 sufficient knowledge and information to either admit or deny these requests as the information  
7 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
8 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

9 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 496:**

10 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
11 General Objections noted above. Defendants' response is based solely on Defendant  
12 TomorrowNow's knowledge with respect to the information sought in this request because  
13 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
14 information provided by Defendant TomorrowNow in this response. Defendants object to the  
15 request because the terms "fix," "update," "application software," and "obtained" are capable of  
16 multiple meanings and thus, make this request overly broad, vague and ambiguous. Further,  
17 Exhibit A lists the names of "master bundles" as that phrase was used by TomorrowNow in the  
18 SAS database. TomorrowNow's "master bundles" are not the actual objects included in fixes or  
19 updates that are developed for TomorrowNow's customers. "Master bundles" and "master fixes"  
20 are records that describe the issue to be addressed and then serve as a record keeping device and  
21 reference for that issue and related activity TomorrowNow undertook to address that issue. The  
22 actual development of customer-specific objects included in customer-specific fixes and updates  
23 was referenced to a "master bundle" or "master fix" record for identification and record keeping  
24 purposes. Thus, if this request seeks an admission related to each and every object related to each  
25 and every customer-specific fix or update that TomorrowNow developed, then this single request  
26 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
27 impermissibly seek regarding the 33,185 objects listed in Plaintiffs' Exhibit D to Plaintiffs' Third  
28 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the

1 intent of this request, then to respond to this request, Defendants would have to analyze each  
2 individual object in each fix or update contained within each master bundle. Defendants,  
3 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
4 because it seeks an admission regarding thousands of separate activities that (1) involved many  
5 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
6 would require Defendants to review enormous volumes of business records to attempt to  
7 determine an answer, if possible, for each of the numerous objects contained within the  
8 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
9 Defendants' burden associated with responding to this request is substantially similar to the  
10 burden for Plaintiffs to obtain the information sought through this request, especially because the  
11 available documents, data and other information from which the answer, if any, could be derived  
12 in response to this request have been produced by Defendants in response to Plaintiffs' other  
13 discovery requests and thus any relevant, available information is now as equally accessible to  
14 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
15 qualifications, Defendants respond as follows:

16 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
17 information Defendants currently know or can readily obtain, Defendants have insufficient  
18 information to admit or deny this request.

19 **REQUEST FOR ADMISSION NO. 497:**

20 Admit that the majority of the Fixes or Updates listed in the first two columns of Exhibit  
21 A were Developed in part by using PeopleSoft application software that TN originally obtained  
22 from one or more Customers.

23 **RESPONSE TO REQUEST FOR ADMISSION NO. 497:**

24 Defendants object to this request on the grounds stated in the General Objections and  
25 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
26 respect to the information sought in this request because Defendants SAP AG and SAP America  
27 have no additional knowledge separate and apart from the information provided by Defendant  
28 TomorrowNow in this response. Defendants object to the request because the terms "Fixes,"

1 “Updates,” “majority,” “using,” “application software” and “developed” are capable of multiple  
2 meanings and thus, make this request vague and ambiguous. Further, Exhibit A lists the names of  
3 master bundles as that term was used by TomorrowNow in the SAS database. The master  
4 bundles are not the actual objects that are developed for TomorrowNow customers. Master  
5 bundles and master fixes are records that simply identify problems for which TomorrowNow  
6 generally developed objects to resolve. The object development often took place at the release  
7 level, source level, and customer level. If this request is actually asking for information related to  
8 each and every object TomorrowNow developed, this number is more in line with the 33,185  
9 listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for Admissions to SAP AG,  
10 SAP America, and TomorrowNow. To respond to this question, Defendants would have to  
11 analyze each individual object in each fix or update contained within each master bundle.  
12 Defendants, therefore, object to this request as compound and unduly burdensome in that this  
13 request seeks information and activities that (1) involved many thousands of objects, (2) involved  
14 numerous employees, (3) took place over several years, and (4) would require Defendants to  
15 review substantial business records to determine an answer, if possible, for each of the numerous  
16 numbers of objects contained within the fixes and updates, and Defendants’ burden in doing so  
17 would be substantially similar to the burden for Plaintiffs to do so given that the available  
18 information is at least as equally accessible to Plaintiffs as it is to Defendants.

19 Subject to the General Objections and Responses and these specific objections, after a  
20 reasonable inquiry and based on Defendants’ understanding of these questions, Defendants lack  
21 sufficient knowledge and information to either admit or deny these requests as the information  
22 sought was not tracked, recorded, or maintained by TomorrowNow in a “readily obtainable  
23 manner.” Based on all of the reasons and objections stated above, these requests are DENIED.

24 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 497:**

25 Defendants incorporate by reference, as if fully set forth herein, all of Defendants’  
26 General Objections noted above. Defendants’ response is based solely on Defendant  
27 TomorrowNow’s knowledge with respect to the information sought in this request because  
28 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the

1 information provided by Defendant TomorrowNow in this response. Defendants object to the  
2 request because the terms “fix,” “update,” “application software,” and “obtained” are capable of  
3 multiple meanings and thus, make this request overly broad, vague and ambiguous. Further,  
4 Exhibit A lists the names of “master bundles” as that phrase was used by TomorrowNow in the  
5 SAS database. TomorrowNow’s “master bundles” are not the actual objects included in fixes or  
6 updates that are developed for TomorrowNow’s customers. “Master bundles” and “master fixes”  
7 are records that describe the issue to be addressed and then serve as a record keeping device and  
8 reference for that issue and related activity TomorrowNow undertook to address that issue. The  
9 actual development of customer-specific objects included in customer-specific fixes and updates  
10 was referenced to a “master bundle” or “master fix” record for identification and record keeping  
11 purposes. Thus, if this request seeks an admission related to each and every object related to each  
12 and every customer-specific fix or update that TomorrowNow developed, then this single request  
13 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
14 impermissibly seek regarding the 33,185 objects listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third  
15 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
16 intent of this request, then to respond to this request, Defendants would have to analyze each  
17 individual object in each fix or update contained within each master bundle. Defendants,  
18 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
19 because it seeks an admission regarding thousands of separate activities that (1) involved many  
20 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
21 would require Defendants to review enormous volumes of business records to attempt to  
22 determine an answer, if possible, for each of the numerous objects contained within the  
23 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
24 Defendants’ burden associated with responding to this request is substantially similar to the  
25 burden for Plaintiffs to obtain the information sought through this request, especially because the  
26 available documents, data and other information from which the answer, if any, could be derived  
27 in response to this request have been produced by Defendants in response to Plaintiffs’ other  
28 discovery requests and thus any relevant, available information is now as equally accessible to

1 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
2 qualifications, Defendants respond as follows:

3 ADMITTED on the following qualified basis: TomorrowNow reasonably believes that  
4 the majority of the objects (meaning at least one object more than half of the total objects)  
5 associated with the master bundle records referenced in the first two columns of Exhibit A were  
6 developed in part by using PeopleSoft related applications that TomorrowNow originally  
7 obtained from its customers. To the extent not admitted, this request is DENIED.

8 **REQUEST FOR ADMISSION NO. 498:**

9 Admit that some Fixes or Updates listed in the first two columns of Exhibit A were  
10 Developed in part by using PeopleSoft application software that TN originally obtained from one  
11 or more Customers.

12 **RESPONSE TO REQUEST FOR ADMISSION NO. 498:**

13 Defendants object to this request on the grounds stated in the General Objections and  
14 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
15 respect to the information sought in this request because Defendants SAP AG and SAP America  
16 have no additional knowledge separate and apart from the information provided by Defendant  
17 TomorrowNow in this response. Defendants object to the request because the terms "Fixes,"  
18 "Updates," "using," "developed," "application software" and "some" are capable of multiple  
19 meanings and thus, make this request vague and ambiguous. Further, Exhibit A lists the names of  
20 master bundles as that term was used by TomorrowNow in the SAS database. The master  
21 bundles are not the actual objects that are developed for TomorrowNow customers. Master  
22 bundles and master fixes are records that simply identify problems for which TomorrowNow  
23 generally developed objects to resolve. The object development often took place at the release  
24 level, source level, and customer level. If this request is actually asking for information related to  
25 each and every object TomorrowNow developed, this number is more in line with the 33,185  
26 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG,  
27 SAP America, and TomorrowNow. To respond to this question, Defendants would have to  
28 analyze each individual object in each fix or update contained within each master bundle.



1 Defendants, therefore, object to this request as compound and unduly burdensome in that this  
2 request seeks information and activities that (1) involved many thousands of objects, (2) involved  
3 numerous employees, (3) took place over several years, and (4) would require Defendants to  
4 review substantial business records to determine an answer, if possible, for each of the numerous  
5 numbers of objects contained within the fixes and updates, and Defendants' burden in doing so  
6 would be substantially similar to the burden for Plaintiffs to do so given that the available  
7 information is at least as equally accessible to Plaintiffs as it is to Defendants.

8 Subject to the General Objections and Responses and these specific objections, after a  
9 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
10 sufficient knowledge and information to either admit or deny these requests as the information  
11 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
12 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

13 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 498:**

14 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
15 General Objections noted above. Defendants' response is based solely on Defendant  
16 TomorrowNow's knowledge with respect to the information sought in this request because  
17 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
18 information provided by Defendant TomorrowNow in this response. Defendants object to the  
19 request because the terms "fix," "update," "application software," and "obtained" are capable of  
20 multiple meanings and thus, make this request overly broad, vague and ambiguous. Further,  
21 Exhibit A lists the names of "master bundles" as that phrase was used by TomorrowNow in the  
22 SAS database. TomorrowNow's "master bundles" are not the actual objects included in fixes or  
23 updates that are developed for TomorrowNow's customers. "Master bundles" and "master fixes"  
24 are records that describe the issue to be addressed and then serve as a record keeping device and  
25 reference for that issue and related activity TomorrowNow undertook to address that issue. The  
26 actual development of customer-specific objects included in customer-specific fixes and updates  
27 was referenced to a "master bundle" or "master fix" record for identification and record keeping  
28 purposes. Thus, if this request seeks an admission related to each and every object related to each

1 and every customer-specific fix or update that TomorrowNow developed, then this single request  
2 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
3 impermissibly seek regarding the 33,185 objects listed in Plaintiffs' Exhibit D to Plaintiffs' Third  
4 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
5 intent of this request, then to respond to this request, Defendants would have to analyze each  
6 individual object in each fix or update contained within each master bundle. Defendants,  
7 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
8 because it seeks an admission regarding thousands of separate activities that (1) involved many  
9 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
10 would require Defendants to review enormous volumes of business records to attempt to  
11 determine an answer, if possible, for each of the numerous objects contained within the  
12 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
13 Defendants' burden associated with responding to this request is substantially similar to the  
14 burden for Plaintiffs to obtain the information sought through this request, especially because the  
15 available documents, data and other information from which the answer, if any, could be derived  
16 in response to this request have been produced by Defendants in response to Plaintiffs' other  
17 discovery requests and thus any relevant, available information is now as equally accessible to  
18 Plaintiffs as it is to Defendants. Further, in providing this response, Defendants are defining  
19 "some" as "more than one" as suggested by Plaintiffs in their August 10, 2009 meet and confer  
20 letter. Subject to and without waiving the foregoing objections and qualifications, Defendants  
21 respond as follows:

22 ADMITTED on the following qualified basis: Some of the objects (meaning more than  
23 one object) associated with the master bundle records referenced in the first two columns of  
24 Exhibit A were developed in part by using PeopleSoft related applications that TomorrowNow  
25 originally obtained from its customers. To the extent not admitted, this request is DENIED.

26 **REQUEST FOR ADMISSION NO. 499:**

27 Admit that at least one Fix or Update listed in the first two columns of Exhibit A was  
28 Developed in part by using PeopleSoft application software that TN originally obtained from one

1 or more Customers.

2 **RESPONSE TO REQUEST FOR ADMISSION NO. 499:**

3 Defendants object to this request on the grounds stated in the General Objections and  
4 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
5 respect to the information sought in this request because Defendants SAP AG and SAP America  
6 have no additional knowledge separate and apart from the information provided by Defendant  
7 TomorrowNow in this response. Defendants object to the request because the terms "Fix,"  
8 "Update," "using," "application software," and "developed" makes this request vague and  
9 ambiguous. Further, Exhibit A lists the names of master bundles as that term was used by  
10 TomorrowNow in the SAS database. The master bundles are not the actual objects that are  
11 developed for TomorrowNow customers. Master bundles and master fixes are records that  
12 simply identify problems for which TomorrowNow generally developed objects to resolve. The  
13 object development often took place at the release level, source level, and customer level. If this  
14 request is actually asking for information related to each and every object TomorrowNow  
15 developed, this number is more in line with the 33,185 listed in Plaintiffs' Exhibit D to Plaintiffs'  
16 Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To  
17 respond to this question, Defendants would have to analyze each individual object in each fix or  
18 update contained within each master bundle. Defendants, therefore, object to this request as  
19 compound and unduly burdensome in that this request seeks information and activities that (1)  
20 involved many thousands of objects, (2) involved numerous employees, (3) took place over  
21 several years, and (4) would require Defendants to review substantial business records to  
22 determine an answer, if possible, for each of the numerous numbers of objects contained within  
23 the fixes and updates, and Defendants' burden in doing so would be substantially similar to the  
24 burden for Plaintiffs to do so given that the available information is at least as equally accessible  
25 to Plaintiffs as it is to Defendants.

26 Subject to the General Objections and Responses and these specific objections,  
27 Defendants lack sufficient knowledge and information to either admit or deny these requests as  
28 the information sought was not tracked, recorded, or maintained by TomorrowNow in a "readily

1 obtainable manner.” On this basis, therefore, these requests are DENIED. However, Defendant  
2 TomorrowNow ADMITS that at least one object developed, under the master bundle record, was  
3 developed in part by using part of a PeopleSoft application that TN originally obtained from one  
4 or more of TomorrowNow’s Customers. To the extent that the request is not admitted, it is  
5 DENIED.

6 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 499:**

7 Defendants incorporate by reference, as if fully set forth herein, all of Defendants’  
8 General Objections noted above. Defendants’ response is based solely on Defendant  
9 TomorrowNow’s knowledge with respect to the information sought in this request because  
10 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
11 information provided by Defendant TomorrowNow in this response. Defendants object to the  
12 request because the terms “fix,” “update,” “application software,” and “obtained” are capable of  
13 multiple meanings and thus, make this request overly broad, vague and ambiguous. Further,  
14 Exhibit A lists the names of “master bundles” as that phrase was used by TomorrowNow in the  
15 SAS database. TomorrowNow’s “master bundles” are not the actual objects included in fixes or  
16 updates that are developed for TomorrowNow’s customers. “Master bundles” and “master fixes”  
17 are records that describe the issue to be addressed and then serve as a record keeping device and  
18 reference for that issue and related activity TomorrowNow undertook to address that issue. The  
19 actual development of customer-specific objects included in customer-specific fixes and updates  
20 was referenced to a “master bundle” or “master fix” record for identification and record keeping  
21 purposes. Thus, if this request seeks an admission related to each and every object related to each  
22 and every customer-specific fix or update that TomorrowNow developed, then this single request  
23 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
24 impermissibly seek regarding the 33,185 objects listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third  
25 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
26 intent of this request, then to respond to this request, Defendants would have to analyze each  
27 individual object in each fix or update contained within each master bundle. Defendants,  
28 therefore, object on the basis that this request is compound, overly broad and unduly burdensome

1 because it seeks an admission regarding thousands of separate activities that (1) involved many  
2 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
3 would require Defendants to review enormous volumes of business records to attempt to  
4 determine an answer, if possible, for each of the numerous objects contained within the  
5 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
6 Defendants' burden associated with responding to this request is substantially similar to the  
7 burden for Plaintiffs to obtain the information sought through this request, especially because the  
8 available documents, data and other information from which the answer, if any, could be derived  
9 in response to this request have been produced by Defendants in response to Plaintiffs' other  
10 discovery requests and thus any relevant, available information is now as equally accessible to  
11 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
12 qualifications, Defendants respond as follows:

13 ADMITTED on the following qualified basis: At least one of the objects associated with  
14 the master bundle records referenced in the first two columns of Exhibit A was developed in part  
15 by using a PeopleSoft related application that TomorrowNow originally obtained from a customer.  
16 To the extent not admitted, this request is DENIED.

17 **REQUEST FOR ADMISSION NO. 500:**

18 Admit that for each Fix or Update listed in the first two columns of Exhibit A, TN  
19 acquired a Copy of a tax Update published by PeopleSoft or Oracle by Downloading it from  
20 Customer Connection to use in Developing the Fix or Update.

21 **RESPONSE TO REQUEST FOR ADMISSION NO. 500:**

22 Defendants object to this request on the grounds stated in the General Objections and  
23 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
24 respect to the information sought in this request because Defendants SAP AG and SAP America  
25 have no additional knowledge separate and apart from the information provided by Defendant  
26 TomorrowNow in this response. Defendants object to the request because the terms "Fix,"  
27 "Update," "copy," "downloading," "use," and "developing" are capable of multiple meanings and  
28 thus, make this request vague and ambiguous. Further, Exhibit A lists the names of master

1 bundles as that term was used by TomorrowNow in the SAS database. The master bundles are  
2 not the actual objects that are developed for TomorrowNow customers. Master bundles and  
3 master fixes are records that simply identify problems for which TomorrowNow generally  
4 developed objects to resolve. The object development often took place at the release level, source  
5 level, and customer level. If this request is actually asking for information related to each and  
6 every object TomorrowNow developed, this number is more in line with the 33,185 listed in  
7 Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG, SAP  
8 America, and TomorrowNow. To respond to this question, Defendants would have to analyze  
9 each individual object in each fix or update contained within each master bundle. Defendants,  
10 therefore, object to this request as compound and unduly burdensome in that this request seeks  
11 information and activities that (1) involved many thousands of objects, (2) involved numerous  
12 employees, (3) took place over several years, and (4) would require Defendants to review  
13 substantial business records to determine an answer, if possible, for each of the numerous  
14 numbers of objects contained within the fixes and updates, and Defendants' burden in doing so  
15 would be substantially similar to the burden for Plaintiffs to do so given that the available  
16 information is at least as equally accessible to Plaintiffs as it is to Defendants.

17 Subject to the General Objections and Responses and these specific objections, after a  
18 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
19 sufficient knowledge and information to either admit or deny these requests as the information  
20 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
21 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

22 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 500:**

23 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
24 General Objections noted above. Defendants' response is based solely on Defendant  
25 TomorrowNow's knowledge with respect to the information sought in this request because  
26 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
27 information provided by Defendant TomorrowNow in this response. Defendants object to the  
28 request because the terms "fix," "update," "copy," "downloading," "use," and "developing" are

1 capable of multiple meanings and thus, make this request overly broad, vague and ambiguous.  
2 Further, Exhibit A lists the names of “master bundles” as that phrase was used by TomorrowNow  
3 in the SAS database. TomorrowNow’s “master bundles” are not the actual objects included in  
4 fixes or updates that are developed for TomorrowNow’s customers. “Master bundles” and  
5 “master fixes” are records that describe the issue to be addressed and then serve as a record  
6 keeping device and reference for that issue and related activity TomorrowNow undertook to  
7 address that issue. The actual development of customer-specific objects included in customer-  
8 specific fixes and updates was referenced to a “master bundle” or “master fix” record for  
9 identification and record keeping purposes. Thus, if this request seeks an admission related to  
10 each and every object related to each and every customer-specific fix or update that  
11 TomorrowNow developed, then this single request impermissibly seeks literally thousands of  
12 admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects  
13 listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for Admissions to SAP AG,  
14 SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
15 request, Defendants would have to analyze each individual object in each fix or update contained  
16 within each master bundle. Defendants, therefore, object on the basis that this request is  
17 compound, overly broad and unduly burdensome because it seeks an admission regarding  
18 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
19 numerous employees, (3) took place over several years, and (4) would require Defendants to  
20 review enormous volumes of business records to attempt to determine an answer, if possible, for  
21 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
22 Defendants object to this request on the basis that Defendants’ burden associated with responding  
23 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
24 through this request, especially because the available documents, data and other information from  
25 which the answer, if any, could be derived in response to this request have been produced by  
26 Defendants in response to Plaintiffs’ other discovery requests and thus any relevant, available  
27 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and  
28 without waiving the foregoing objections and qualifications, Defendants respond as follows:

1 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
2 information Defendants currently know or can readily obtain, Defendants have insufficient  
3 information to admit or deny this request.

4 **REQUEST FOR ADMISSION NO. 501:**

5 Admit that for the majority of Fixes or Updates listed in the first two columns of Exhibit  
6 A, TN acquired a Copy of a tax Update published by PeopleSoft or Oracle by Downloading it  
7 from Customer Connection to use in Developing the Fix or Update.

8 **RESPONSE TO REQUEST FOR ADMISSION NO. 501:**

9 Defendants object to this request on the grounds stated in the General Objections and  
10 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
11 respect to the information sought in this request because Defendants SAP AG and SAP America  
12 have no additional knowledge separate and apart from the information provided by Defendant  
13 TomorrowNow in this response. Defendants object to the request because the terms "Fix,"  
14 "Update," "majority," "copy," "downloading," "use," and "developing" are capable of multiple  
15 meanings and thus, make this request vague and ambiguous. Further, Exhibit A lists the names of  
16 master bundles as that term was used by TomorrowNow in the SAS database. The master  
17 bundles are not the actual objects that are developed for TomorrowNow customers. Master  
18 bundles and master fixes are records that simply identify problems for which TomorrowNow  
19 generally developed objects to resolve. The object development often took place at the release  
20 level, source level, and customer level. If this request is actually asking for information related to  
21 each and every object TomorrowNow developed, this number is more in line with the 33,185  
22 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG,  
23 SAP America, and TomorrowNow. To respond to this question, Defendants would have to  
24 analyze each individual object in each fix or update contained within each master bundle.  
25 Defendants, therefore, object to this request as compound and unduly burdensome in that this  
26 request seeks information and activities that (1) involved many thousands of objects, (2) involved  
27 numerous employees, (3) took place over several years, and (4) would require Defendants to  
28 review substantial business records to determine an answer, if possible, for each of the numerous



1 numbers of objects contained within the fixes and updates, and Defendants' burden in doing so  
2 would be substantially similar to the burden for Plaintiffs to do so given that the available  
3 information is at least as equally accessible to Plaintiffs as it is to Defendants.

4 Subject to the General Objections and Responses and these specific objections, after a  
5 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
6 sufficient knowledge and information to either admit or deny these requests as the information  
7 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
8 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

9 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 501:**

10 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
11 General Objections noted above. Defendants' response is based solely on Defendant  
12 TomorrowNow's knowledge with respect to the information sought in this request because  
13 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
14 information provided by Defendant TomorrowNow in this response. Defendants object to the  
15 request because the terms "fix," "update," "copy," "downloading," "use," and "developing" are  
16 capable of multiple meanings and thus, make this request overly broad, vague and ambiguous.  
17 Further, Exhibit A lists the names of "master bundles" as that phrase was used by TomorrowNow  
18 in the SAS database. TomorrowNow's "master bundles" are not the actual objects included in  
19 fixes or updates that are developed for TomorrowNow's customers. "Master bundles" and  
20 "master fixes" are records that describe the issue to be addressed and then serve as a record  
21 keeping device and reference for that issue and related activity TomorrowNow undertook to  
22 address that issue. The actual development of customer-specific objects included in customer-  
23 specific fixes and updates was referenced to a "master bundle" or "master fix" record for  
24 identification and record keeping purposes. Thus, if this request seeks an admission related to  
25 each and every object related to each and every customer-specific fix or update that  
26 TomorrowNow developed, then this single request impermissibly seeks literally thousands of  
27 admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects  
28 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG,

1 SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
2 request, Defendants would have to analyze each individual object in each fix or update contained  
3 within each master bundle. Defendants, therefore, object on the basis that this request is  
4 compound, overly broad and unduly burdensome because it seeks an admission regarding  
5 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
6 numerous employees, (3) took place over several years, and (4) would require Defendants to  
7 review enormous volumes of business records to attempt to determine an answer, if possible, for  
8 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
9 Defendants object to this request on the basis that Defendants' burden associated with responding  
10 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
11 through this request, especially because the available documents, data and other information from  
12 which the answer, if any, could be derived in response to this request have been produced by  
13 Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available  
14 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and  
15 without waiving the foregoing objections and qualifications, Defendants respond as follows:

16 ADMITTED on the following qualified basis: TomorrowNow reasonably believes that  
17 for the majority of the objects (meaning at least one object more than half of the total objects)  
18 associated with the master bundle records referenced in the first two columns of Exhibit A,  
19 TomorrowNow employees acquired a tax update posted by PeopleSoft by downloading that tax  
20 update from Customer Connection to use in connection with the development of the object. To  
21 the extent not admitted, this request is DENIED.

22 **REQUEST FOR ADMISSION NO. 502:**

23 Admit that for some Fixes or Updates listed in the first two columns of Exhibit A, TN  
24 acquired a Copy of a tax Update published by PeopleSoft or Oracle by Downloading it from  
25 Customer Connection to use in Developing the Fix or Update.

26 **RESPONSE TO REQUEST FOR ADMISSION NO. 502:**

27 Defendants object to this request on the grounds stated in the General Objections and  
28 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with

1 respect to the information sought in this request because Defendants SAP AG and SAP America  
2 have no additional knowledge separate and apart from the information provided by Defendant  
3 TomorrowNow in this response. Defendants object to the request because the terms “Fixes,”  
4 “Update,” “copy,” “downloading,” “use,” “some,” and “developing” are capable of multiple  
5 meanings and thus, make this request vague and ambiguous. Further, Exhibit A lists the names of  
6 master bundles as that term was used by TomorrowNow in the SAS database. The master  
7 bundles are not the actual objects that are developed for TomorrowNow customers. Master  
8 bundles and master fixes are records that simply identify problems for which TomorrowNow  
9 generally developed objects to resolve. The object development often took place at the release  
10 level, source level, and customer level. If this request is actually asking for information related to  
11 each and every object TomorrowNow developed, this number is more in line with the 33,185  
12 listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for Admissions to SAP AG,  
13 SAP America, and TomorrowNow. To respond to this question, Defendants would have to  
14 analyze each individual object in each fix or update contained within each master bundle.  
15 Defendants, therefore, object to this request as compound and unduly burdensome in that this  
16 request seeks information and activities that (1) involved many thousands of objects, (2) involved  
17 numerous employees, (3) took place over several years, and (4) would require Defendants to  
18 review substantial business records to determine an answer, if possible, for each of the numerous  
19 numbers of objects contained within the fixes and updates, and Defendants’ burden in doing so  
20 would be substantially similar to the burden for Plaintiffs to do so given that the available  
21 information is at least as equally accessible to Plaintiffs as it is to Defendants.

22 Subject to the General Objections and Responses and these specific objections, after a  
23 reasonable inquiry and based on Defendants’ understanding of these questions, Defendants lack  
24 sufficient knowledge and information to either admit or deny these requests as the information  
25 sought was not tracked, recorded, or maintained by TomorrowNow in a “readily obtainable  
26 manner.” Based on all of the reasons and objections stated above, these requests are DENIED.

27 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 502:**

28 Defendants incorporate by reference, as if fully set forth herein, all of Defendants’

1 General Objections noted above. Defendants' response is based solely on Defendant  
2 TomorrowNow's knowledge with respect to the information sought in this request because  
3 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
4 information provided by Defendant TomorrowNow in this response. Defendants object to the  
5 request because the terms "fix," "update," "copy," "downloading," "use," and "developing" are  
6 capable of multiple meanings and thus, make this request overly broad, vague and ambiguous.  
7 Further, Exhibit A lists the names of "master bundles" as that phrase was used by TomorrowNow  
8 in the SAS database. TomorrowNow's "master bundles" are not the actual objects included in  
9 fixes or updates that are developed for TomorrowNow's customers. "Master bundles" and  
10 "master fixes" are records that describe the issue to be addressed and then serve as a record  
11 keeping device and reference for that issue and related activity TomorrowNow undertook to  
12 address that issue. The actual development of customer-specific objects included in customer-  
13 specific fixes and updates was referenced to a "master bundle" or "master fix" record for  
14 identification and record keeping purposes. Thus, if this request seeks an admission related to  
15 each and every object related to each and every customer-specific fix or update that  
16 TomorrowNow developed, then this single request impermissibly seeks literally thousands of  
17 admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects  
18 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG,  
19 SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
20 request, Defendants would have to analyze each individual object in each fix or update contained  
21 within each master bundle. Defendants, therefore, object on the basis that this request is  
22 compound, overly broad and unduly burdensome because it seeks an admission regarding  
23 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
24 numerous employees, (3) took place over several years, and (4) would require Defendants to  
25 review enormous volumes of business records to attempt to determine an answer, if possible, for  
26 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
27 Defendants object to this request on the basis that Defendants' burden associated with responding  
28 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought

1 through this request, especially because the available documents, data and other information from  
2 which the answer, if any, could be derived in response to this request have been produced by  
3 Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available  
4 information is now as equally accessible to Plaintiffs as it is to Defendants. Further, in providing  
5 this response, Defendants are defining "some" as "more than one" as suggested by Plaintiffs in  
6 their August 10, 2009 meet and confer letter. Subject to and without waiving the foregoing  
7 objections and qualifications, Defendants respond as follows:

8 ADMITTED on the following qualified basis: For some of the objects (meaning more  
9 than one object) associated with the master bundle records referenced in the first two columns of  
10 Exhibit A, TomorrowNow employees acquired a tax update posted by PeopleSoft by  
11 downloading that tax update from Customer Connection to use in connection with the  
12 development of the object. To the extent not admitted, this request is DENIED.

13 **REQUEST FOR ADMISSION NO. 503:**

14 Admit that for at least one Fix or Update listed in the first two columns of Exhibit A, TN  
15 acquired a Copy of a tax Update published by PeopleSoft or Oracle by Downloading it from  
16 Customer Connection to use in Developing the Fix or Update.

17 **RESPONSE TO REQUEST FOR ADMISSION NO. 503:**

18 Defendants object to this request on the grounds stated in the General Objections and  
19 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
20 respect to the information sought in this request because Defendants SAP AG and SAP America  
21 have no additional knowledge separate and apart from the information provided by Defendant  
22 TomorrowNow in this response. Defendants object to the request because the terms "Fix,"  
23 "Update," "copy," "downloading," "use," and "developing" are capable of multiple meanings  
24 and thus, make this request vague and ambiguous. Further, Exhibit A lists the names of master  
25 bundles as that term was used by TomorrowNow in the SAS database. The master bundles are  
26 not the actual objects that are developed for TomorrowNow customers. Master bundles and  
27 master fixes are records that simply identify problems for which TomorrowNow generally  
28 developed objects to resolve. The object development often took place at the release level, source

1 level, and customer level. If this request is actually asking for information related to each and  
2 every object TomorrowNow developed, this number is more in line with the 33,185 listed in  
3 Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG, SAP  
4 America, and TomorrowNow. To respond to this question, Defendants would have to analyze  
5 each individual object in each fix or update contained within each master bundle. Defendants,  
6 therefore, object to this request as compound and unduly burdensome in that this request seeks  
7 information and activities that (1) involved many thousands of objects, (2) involved numerous  
8 employees, (3) took place over several years, and (4) would require Defendants to review  
9 substantial business records to determine an answer, if possible, for each of the numerous  
10 numbers of objects contained within the fixes and updates, and Defendants' burden in doing so  
11 would be substantially similar to the burden for Plaintiffs to do so given that the available  
12 information is at least as equally accessible to Plaintiffs as it is to Defendants.

13 Subject to the General Objections and Responses and these specific objections,  
14 Defendants lack sufficient knowledge and information to either admit or deny these requests as  
15 the information sought was not tracked, recorded, or maintained by TomorrowNow in a "readily  
16 obtainable manner." On this basis, therefore, these requests are DENIED. However, Defendant  
17 TomorrowNow ADMITS that for at least one object developed, under the master bundle record,  
18 TN acquired a Copy of a tax update published by PeopleSoft or Oracle by downloading it from  
19 Customer Connection. To the extent that the request is not admitted, it is DENIED.

20 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 503:**

21 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
22 General Objections noted above. Defendants' response is based solely on Defendant  
23 TomorrowNow's knowledge with respect to the information sought in this request because  
24 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
25 information provided by Defendant TomorrowNow in this response. Defendants object to the  
26 request because the terms "fix," "update," "copy," "downloading," "use," and "developing" are  
27 capable of multiple meanings and thus, make this request overly broad, vague and ambiguous.  
28 Further, Exhibit A lists the names of "master bundles" as that phrase was used by TomorrowNow

1 in the SAS database. TomorrowNow's "master bundles" are not the actual objects included in  
2 fixes or updates that are developed for TomorrowNow's customers. "Master bundles" and  
3 "master fixes" are records that describe the issue to be addressed and then serve as a record  
4 keeping device and reference for that issue and related activity TomorrowNow undertook to  
5 address that issue. The actual development of customer-specific objects included in customer-  
6 specific fixes and updates was referenced to a "master bundle" or "master fix" record for  
7 identification and record keeping purposes. Thus, if this request seeks an admission related to  
8 each and every object related to each and every customer-specific fix or update that  
9 TomorrowNow developed, then this single request impermissibly seeks literally thousands of  
10 admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects  
11 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG,  
12 SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
13 request, Defendants would have to analyze each individual object in each fix or update contained  
14 within each master bundle. Defendants, therefore, object on the basis that this request is  
15 compound, overly broad and unduly burdensome because it seeks an admission regarding  
16 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
17 numerous employees, (3) took place over several years, and (4) would require Defendants to  
18 review enormous volumes of business records to attempt to determine an answer, if possible, for  
19 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
20 Defendants object to this request on the basis that Defendants' burden associated with responding  
21 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
22 through this request, especially because the available documents, data and other information from  
23 which the answer, if any, could be derived in response to this request have been produced by  
24 Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available  
25 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and  
26 without waiving the foregoing objections and qualifications, Defendants respond as follows:

27 ADMITTED on the following qualified basis: For at least one of the objects associated  
28 with the master bundle records referenced in the first two columns of Exhibit A, TomorrowNow

1 employees acquired a tax update posted by PeopleSoft by downloading that tax update from  
2 Customer Connection to use in connection with the developing of the object. To the extent not  
3 admitted, this request is DENIED.

4 **REQUEST FOR ADMISSION NO. 504:**

5 Admit that for any Fix or Update listed in the first two columns of Exhibit A for which  
6 TN did not acquire a Copy of a tax Update published by PeopleSoft or Oracle by Downloading it  
7 from Customer Connection to use in Developing the Fix or Update, TN acquired a Copy of a tax  
8 Update published by PeopleSoft or Oracle by requesting it from a Customer to use in Developing  
9 the Fix or Update.

10 **RESPONSE TO REQUEST FOR ADMISSION NO. 504:**

11 Defendants object to this request on the grounds stated in the General Objections and  
12 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
13 respect to the information sought in this request because Defendants SAP AG and SAP America  
14 have no additional knowledge separate and apart from the information provided by Defendant  
15 TomorrowNow in this response. Defendants object to the request because the terms "Fix,"  
16 "Update," "copy," "downloading," "use," and "developing" are capable of multiple meanings and  
17 thus, make this request vague and ambiguous. Further, Exhibit A lists the names of master  
18 bundles as that term was used by TomorrowNow in the SAS database. The master bundles are  
19 not the actual objects that are developed for TomorrowNow customers. Master bundles and  
20 master fixes are records that simply identify problems for which TomorrowNow generally  
21 developed objects to resolve. The object development often took place at the release level, source  
22 level, and customer level. If this request is actually asking for information related to each and  
23 every object TomorrowNow developed, this number is more in line with the 33,185 listed in  
24 Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG, SAP  
25 America, and TomorrowNow. To respond to this question, Defendants would have to analyze  
26 each individual object in each fix or update contained within each master bundle. Defendants,  
27 therefore, object to this request as compound and unduly burdensome in that this request seeks  
28 information and activities that (1) involved many thousands of objects, (2) involved numerous



1 employees, (3) took place over several years, and (4) would require Defendants to review  
2 substantial business records to determine an answer, if possible, for each of the numerous  
3 numbers of objects contained within the fixes and updates, and Defendants' burden in doing so  
4 would be substantially similar to the burden for Plaintiffs to do so given that the available  
5 information is at least as equally accessible to Plaintiffs as it is to Defendants.

6 Subject to the General Objections and Responses and these specific objections, after a  
7 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
8 sufficient knowledge and information to either admit or deny these requests as the information  
9 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
10 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

11 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 504:**

12 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
13 General Objections noted above. Defendants' response is based solely on Defendant  
14 TomorrowNow's knowledge with respect to the information sought in this request because  
15 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
16 information provided by Defendant TomorrowNow in this response. Defendants object to the  
17 request because the terms "fix," "update," "copy," "downloading," "use," and "developing" are  
18 capable of multiple meanings and thus, make this request overly broad, vague and ambiguous.  
19 Further, Exhibit A lists the names of "master bundles" as that phrase was used by TomorrowNow  
20 in the SAS database. TomorrowNow's "master bundles" are not the actual objects included in  
21 fixes or updates that are developed for TomorrowNow's customers. "Master bundles" and  
22 "master fixes" are records that describe the issue to be addressed and then serve as a record  
23 keeping device and reference for that issue and related activity TomorrowNow undertook to  
24 address that issue. The actual development of customer-specific objects included in customer-  
25 specific fixes and updates was referenced to a "master bundle" or "master fix" record for  
26 identification and record keeping purposes. Thus, if this request seeks an admission related to  
27 each and every object related to each and every customer-specific fix or update that  
28 TomorrowNow developed, then this single request impermissibly seeks literally thousands of

1 admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects  
2 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG,  
3 SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
4 request, Defendants would have to analyze each individual object in each fix or update contained  
5 within each master bundle. Defendants, therefore, object on the basis that this request is  
6 compound, overly broad and unduly burdensome because it seeks an admission regarding  
7 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
8 numerous employees, (3) took place over several years, and (4) would require Defendants to  
9 review enormous volumes of business records to attempt to determine an answer, if possible, for  
10 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
11 Defendants object to this request on the basis that Defendants' burden associated with responding  
12 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
13 through this request, especially because the available documents, data and other information from  
14 which the answer, if any, could be derived in response to this request have been produced by  
15 Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available  
16 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and  
17 without waiving the foregoing objections and qualifications, Defendants respond as follows:

18 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
19 information Defendants currently know or can readily obtain, Defendants have insufficient  
20 information to admit or deny this request.

21 **REQUEST FOR ADMISSION NO. 505:**

22 Admit that for the majority of Fixes or Updates listed in the first two columns of Exhibit  
23 A for which TN did not acquire a Copy of a tax Update published by PeopleSoft or Oracle by  
24 Downloading it from Customer Connection to use in Developing the Fix or Update, TN acquired  
25 a Copy of a tax Update published by PeopleSoft or Oracle by requesting it from a Customer to  
26 use in Developing the Fix or Update.

27 **RESPONSE TO REQUEST FOR ADMISSION NO. 505:**

28 Defendants object to this request on the grounds stated in the General Objections and

1 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
2 respect to the information sought in this request because Defendants SAP AG and SAP America  
3 have no additional knowledge separate and apart from the information provided by Defendant  
4 TomorrowNow in this response. Defendants object to the request because the terms "Fixes,"  
5 "Update," "majority," "copy," "downloading," "use," and "developing" are capable of multiple  
6 meanings and thus, make this request vague and ambiguous. Further, Exhibit A lists the names of  
7 master bundles as that term was used by TomorrowNow in the SAS database. The master  
8 bundles are not the actual objects that are developed for TomorrowNow customers. Master  
9 bundles and master fixes are records that simply identify problems for which TomorrowNow  
10 generally developed objects to resolve. The object development often took place at the release  
11 level, source level, and customer level. If this request is actually asking for information related to  
12 each and every object TomorrowNow developed, this number is more in line with the 33,185  
13 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG,  
14 SAP America, and TomorrowNow. To respond to this question, Defendants would have to  
15 analyze each individual object in each fix or update contained within each master bundle.  
16 Defendants, therefore, object to this request as compound and unduly burdensome in that this  
17 request seeks information and activities that (1) involved many thousands of objects, (2) involved  
18 numerous employees, (3) took place over several years, and (4) would require Defendants to  
19 review substantial business records to determine an answer, if possible, for each of the numerous  
20 numbers of objects contained within the fixes and updates, and Defendants' burden in doing so  
21 would be substantially similar to the burden for Plaintiffs to do so given that the available  
22 information is at least as equally accessible to Plaintiffs as it is to Defendants.

23 Subject to the General Objections and Responses and these specific objections, after a  
24 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
25 sufficient knowledge and information to either admit or deny these requests as the information  
26 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
27 manner." Based on all of the reasons and objections stated above, these requests are DENIED.  
28

**AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 505:**

Defendants incorporate by reference, as if fully set forth herein, all of Defendants' General Objections noted above. Defendants' response is based solely on Defendant TomorrowNow's knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant TomorrowNow in this response. Defendants object to the request because the terms "fix," "update," "copy," "downloading," "use," and "developing" are capable of multiple meanings and thus, make this request overly broad, vague and ambiguous. Further, Exhibit A lists the names of "master bundles" as that phrase was used by TomorrowNow in the SAS database. TomorrowNow's "master bundles" are not the actual objects included in fixes or updates that are developed for TomorrowNow's customers. "Master bundles" and "master fixes" are records that describe the issue to be addressed and then serve as a record keeping device and reference for that issue and related activity TomorrowNow undertook to address that issue. The actual development of customer-specific objects included in customer-specific fixes and updates was referenced to a "master bundle" or "master fix" record for identification and record keeping purposes. Thus, if this request seeks an admission related to each and every object related to each and every customer-specific fix or update that TomorrowNow developed, then this single request impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this request, Defendants would have to analyze each individual object in each fix or update contained within each master bundle. Defendants, therefore, object on the basis that this request is compound, overly broad and unduly burdensome because it seeks an admission regarding thousands of separate activities that (1) involved many thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4) would require Defendants to review enormous volumes of business records to attempt to determine an answer, if possible, for each of the numerous objects contained within the referenced fixes and updates. Moreover,

1 Defendants object to this request on the basis that Defendants' burden associated with responding  
2 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
3 through this request, especially because the available documents, data and other information from  
4 which the answer, if any, could be derived in response to this request have been produced by  
5 Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available  
6 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and  
7 without waiving the foregoing objections and qualifications, Defendants respond as follows:

8 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
9 information Defendants currently know or can readily obtain, Defendants have insufficient  
10 information to admit or deny this request.

11 **REQUEST FOR ADMISSION NO. 506:**

12 Admit that for the some Fixes or Updates listed in the first two columns of Exhibit A for  
13 which TN did not acquire a Copy of a tax Update published by PeopleSoft or Oracle by  
14 Downloading it from Customer Connection to use in Developing the Fix or Update, TN acquired  
15 a Copy of a tax Update published by PeopleSoft or Oracle by requesting it from a Customer to  
16 use in Developing the Fix or Update.

17 **RESPONSE TO REQUEST FOR ADMISSION NO. 506:**

18 Defendants object to this request on the grounds stated in the General Objections and  
19 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
20 respect to the information sought in this request because Defendants SAP AG and SAP America  
21 have no additional knowledge separate and apart from the information provided by Defendant  
22 TomorrowNow in this response. Defendants object to the request because the terms "Fixes,"  
23 "Update," "copy," "downloading," "use," "some," and "developing" are capable of multiple  
24 meanings and thus, make this request vague and ambiguous. Further, Exhibit A lists the names of  
25 master bundles as that term was used by TomorrowNow in the SAS database. The master  
26 bundles are not the actual objects that are developed for TomorrowNow customers. Master  
27 bundles and master fixes are records that simply identify problems for which TomorrowNow  
28 generally developed objects to resolve. The object development often took place at the release

1 level, source level, and customer level. If this request is actually asking for information related to  
2 each and every object TomorrowNow developed, this number is more in line with the 33,185  
3 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG,  
4 SAP America, and TomorrowNow. To respond to this question, Defendants would have to  
5 analyze each individual object in each fix or update contained within each master bundle.  
6 Defendants, therefore, object to this request as compound and unduly burdensome in that this  
7 request seeks information and activities that (1) involved many thousands of objects, (2) involved  
8 numerous employees, (3) took place over several years, and (4) would require Defendants to  
9 review substantial business records to determine an answer, if possible, for each of the numerous  
10 numbers of objects contained within the fixes and updates, and Defendants' burden in doing so  
11 would be substantially similar to the burden for Plaintiffs to do so given that the available  
12 information is at least as equally accessible to Plaintiffs as it is to Defendants.

13 Subject to the General Objections and Responses and these specific objections, after a  
14 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
15 sufficient knowledge and information to either admit or deny these requests as the information  
16 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
17 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

18 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 506:**

19 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
20 General Objections noted above. Defendants' response is based solely on Defendant  
21 TomorrowNow's knowledge with respect to the information sought in this request because  
22 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
23 information provided by Defendant TomorrowNow in this response. Defendants object to the  
24 request because the terms "fix," "update," "copy," "downloading," "use," and "developing" are  
25 capable of multiple meanings and thus, make this request overly broad, vague and ambiguous.  
26 Further, Exhibit A lists the names of "master bundles" as that phrase was used by TomorrowNow  
27 in the SAS database. TomorrowNow's "master bundles" are not the actual objects included in  
28 fixes or updates that are developed for TomorrowNow's customers. "Master bundles" and

1 “master fixes” are records that describe the issue to be addressed and then serve as a record  
2 keeping device and reference for that issue and related activity TomorrowNow undertook to  
3 address that issue. The actual development of customer-specific objects included in customer-  
4 specific fixes and updates was referenced to a “master bundle” or “master fix” record for  
5 identification and record keeping purposes. Thus, if this request seeks an admission related to  
6 each and every object related to each and every customer-specific fix or update that  
7 TomorrowNow developed, then this single request impermissibly seeks literally thousands of  
8 admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects  
9 listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for Admissions to SAP AG,  
10 SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
11 request, Defendants would have to analyze each individual object in each fix or update contained  
12 within each master bundle. Defendants, therefore, object on the basis that this request is  
13 compound, overly broad and unduly burdensome because it seeks an admission regarding  
14 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
15 numerous employees, (3) took place over several years, and (4) would require Defendants to  
16 review enormous volumes of business records to attempt to determine an answer, if possible, for  
17 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
18 Defendants object to this request on the basis that Defendants’ burden associated with responding  
19 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
20 through this request, especially because the available documents, data and other information from  
21 which the answer, if any, could be derived in response to this request have been produced by  
22 Defendants in response to Plaintiffs’ other discovery requests and thus any relevant, available  
23 information is now as equally accessible to Plaintiffs as it is to Defendants. Further, in providing  
24 this response, Defendants are defining “some” as “more than one” as suggested by Plaintiffs in  
25 their August 10, 2009 meet and confer letter. Subject to and without waiving the foregoing  
26 objections and qualifications, Defendants respond as follows:

27 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
28 information Defendants currently know or can readily obtain, Defendants have insufficient

1 information to admit or deny this request.

2 **REQUEST FOR ADMISSION NO. 507:**

3 Admit that for at least one Fix or Update listed in the first two columns of Exhibit A for  
4 which TN did not acquire a Copy of a tax Update published by PeopleSoft or Oracle by  
5 Downloading it from Customer Connection to use in Developing the Fix or Update, TN acquired  
6 a Copy of a tax Update published by PeopleSoft or Oracle by requesting it from a Customer to  
7 use in Developing the Fix or Update.

8 **RESPONSE TO REQUEST FOR ADMISSION NO. 507:**

9 Defendants object to this request on the grounds stated in the General Objections and  
10 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
11 respect to the information sought in this request because Defendants SAP AG and SAP America  
12 have no additional knowledge separate and apart from the information provided by Defendant  
13 TomorrowNow in this response. Defendants object to the request because the terms "Fix,"  
14 "Update," "copy," "downloading," "use," and "developing" are capable of multiple meanings and  
15 thus, make this request vague and ambiguous. Further, Exhibit A lists the names of master  
16 bundles as that term was used by TomorrowNow in the SAS database. The master bundles are  
17 not the actual objects that are developed for TomorrowNow customers. Master bundles and  
18 master fixes are records that simply identify problems for which TomorrowNow generally  
19 developed objects to resolve. The object development often took place at the release level, source  
20 level, and customer level. If this request is actually asking for information related to each and  
21 every object TomorrowNow developed, this number is more in line with the 33,185 listed in  
22 Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG, SAP  
23 America, and TomorrowNow. To respond to this question, Defendants would have to analyze  
24 each individual object in each fix or update contained within each master bundle. Defendants,  
25 therefore, object to this request as compound and unduly burdensome in that this request seeks  
26 information and activities that (1) involved many thousands of objects, (2) involved numerous  
27 employees, (3) took place over several years, and (4) would require Defendants to review  
28 substantial business records to determine an answer, if possible, for each of the numerous



1 numbers of objects contained within the fixes and updates, and Defendants' burden in doing so  
2 would be substantially similar to the burden for Plaintiffs to do so given that the available  
3 information is at least as equally accessible to Plaintiffs as it is to Defendants.

4 Subject to the General Objections and Responses and these specific objections,  
5 Defendants lack sufficient knowledge and information to either admit or deny these requests as  
6 the information sought was not tracked, recorded, or maintained by TomorrowNow in a "readily  
7 obtainable manner." On this basis, therefore, these requests are DENIED. However, Defendant  
8 TomorrowNow ADMITS that for at least one object developed, under the master bundle record,  
9 TomorrowNow acquired a copy of a tax update published by PeopleSoft or Oracle by receiving it  
10 from a Customer. To the extent that the request is not admitted, it is DENIED.

11 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 507:**

12 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
13 General Objections noted above. Defendants' response is based solely on Defendant  
14 TomorrowNow's knowledge with respect to the information sought in this request because  
15 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
16 information provided by Defendant TomorrowNow in this response. Defendants object to the  
17 request because the terms "fix," "update," "copy," "downloading," "use," and "developing" are  
18 capable of multiple meanings and thus, make this request overly broad, vague and ambiguous.  
19 Further, Exhibit A lists the names of "master bundles" as that phrase was used by TomorrowNow  
20 in the SAS database. TomorrowNow's "master bundles" are not the actual objects included in  
21 fixes or updates that are developed for TomorrowNow's customers. "Master bundles" and  
22 "master fixes" are records that describe the issue to be addressed and then serve as a record  
23 keeping device and reference for that issue and related activity TomorrowNow undertook to  
24 address that issue. The actual development of customer-specific objects included in customer-  
25 specific fixes and updates was referenced to a "master bundle" or "master fix" record for  
26 identification and record keeping purposes. Thus, if this request seeks an admission related to  
27 each and every object related to each and every customer-specific fix or update that  
28 TomorrowNow developed, then this single request impermissibly seeks literally thousands of

1 admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects  
2 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG,  
3 SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
4 request, Defendants would have to analyze each individual object in each fix or update contained  
5 within each master bundle. Defendants, therefore, object on the basis that this request is  
6 compound, overly broad and unduly burdensome because it seeks an admission regarding  
7 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
8 numerous employees, (3) took place over several years, and (4) would require Defendants to  
9 review enormous volumes of business records to attempt to determine an answer, if possible, for  
10 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
11 Defendants object to this request on the basis that Defendants' burden associated with responding  
12 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
13 through this request, especially because the available documents, data and other information from  
14 which the answer, if any, could be derived in response to this request have been produced by  
15 Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available  
16 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and  
17 without waiving the foregoing objections and qualifications, Defendants respond as follows:

18 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
19 information Defendants currently know or can readily obtain, Defendants have insufficient  
20 information to admit or deny this request.

21 **REQUEST FOR ADMISSION NO. 508:**

22 Admit that each Fix or Update listed in the first two columns of Exhibit A was generated  
23 in part by using Local Environments maintained by TN on a release-by-release basis (so-called  
24 "extended support environments"), without regard to the Customer from whom the CDs used to  
25 build the Local Environments were acquired.

26 **RESPONSE TO REQUEST FOR ADMISSION NO. 508:**

27 Defendants object to this request on the grounds stated in the General Objections and  
28 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with

1 respect to the information sought in this request because Defendants SAP AG and SAP America  
2 have no additional knowledge separate and apart from the information provided by Defendant  
3 TomorrowNow in this response. Defendants object to the request because the terms “Fix,”  
4 “Update,” “generated,” “using,” “extended support environments,” and “local environment”  
5 makes this request vague and ambiguous. Defendants object to the phrase “maintained by TN on  
6 a release-by-release basis (so-called extended support environments)” as vague, ambiguous, and  
7 misleading. Defendants object to the phrase “without regard to the Customer from whom the  
8 CDs used to build the local environments were acquired” as vague, ambiguous, misleading, and  
9 calling for Defendants to speculate on individual TomorrowNow employees’ mental states.  
10 Further, Exhibit A lists the names of master bundles as that term was used by TomorrowNow in  
11 the SAS database. The master bundles are not the actual objects that are developed for  
12 TomorrowNow customers. Master bundles and master fixes are records that simply identify  
13 problems for which TomorrowNow generally developed objects to resolve. The object  
14 development often took place at the release level, source level, and customer level. If this request  
15 is actually asking for information related to each and every object TomorrowNow developed, this  
16 number is more in line with the 33,185 listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of  
17 Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this  
18 question, Defendants would have to analyze each individual object in each fix or update  
19 contained within each master bundle. Defendants, therefore, object to this request as compound  
20 and unduly burdensome in that this request seeks information and activities that (1) involved  
21 many thousands of objects, (2) involved numerous employees, (3) took place over several years,  
22 and (4) would require Defendants to review substantial business records to determine an answer,  
23 if possible, for each of the numerous numbers of objects contained within the fixes and updates,  
24 and Defendants’ burden in doing so would be substantially similar to the burden for Plaintiffs to  
25 do so given that the available information is at least as equally accessible to Plaintiffs as it is to  
26 Defendants.

27 Subject to the General Objections and Responses and these specific objections, after a  
28 reasonable inquiry and based on Defendants’ understanding of these questions, Defendants lack

1 sufficient knowledge and information to either admit or deny these requests as the information  
2 sought was not tracked, recorded, or maintained by TomorrowNow in a “readily obtainable  
3 manner.” Based on all of the reasons and objections stated above, these requests are DENIED.

4 **AMENDED REQUEST FOR ADMISSION NO. 508:**

5 Admit that each Fix or Update listed in the first two columns of Exhibit A was generated  
6 in part by using Generic Environments.

7 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 508:**

8 Defendants incorporate by reference, as if fully set forth herein, all of Defendants’  
9 General Objections noted above. Defendants’ response is based solely on Defendant  
10 TomorrowNow’s knowledge with respect to the information sought in this request because  
11 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
12 information provided by Defendant TomorrowNow in this response. Defendants object to the  
13 request because the terms “fix,” “update,” “generated,” “using,” “generic environments” make  
14 this request overly broad, vague and ambiguous. “Generic Environment” is a term created by  
15 Plaintiffs and as used and defined by Plaintiffs is misleading by attempting to suggest that any  
16 such environment or environment component was not used for limited customers, scope or  
17 purpose. Defendants further object to the definition of “Generic Environment” to the extent it  
18 incorporates the overly broad, unduly burdensome, and vague term “Environment,” to which  
19 Defendants object above. Further, Exhibit A lists the names of “master bundles” as that phrase  
20 was used by TomorrowNow in the SAS database. TomorrowNow’s “master bundles” are not the  
21 actual objects included in fixes or updates that are developed for TomorrowNow’s customers.  
22 “Master bundles” and “master fixes” are records that describe the issue to be addressed and then  
23 serve as a record keeping device and reference for that issue and related activity TomorrowNow  
24 undertook to address that issue. The actual development of customer-specific objects included in  
25 customer-specific fixes and updates was referenced to a “master bundle” or “master fix” record  
26 for identification and record keeping purposes. Thus, if this request seeks an admission related to  
27 each and every object related to each and every customer-specific fix or update that  
28 TomorrowNow developed, then this single request impermissibly seeks literally thousands of

1 admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects  
2 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG,  
3 SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
4 request, Defendants would have to analyze each individual object in each fix or update contained  
5 within each master bundle. Defendants, therefore, object on the basis that this request is  
6 compound, overly broad and unduly burdensome because it seeks an admission regarding  
7 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
8 numerous employees, (3) took place over several years, and (4) would require Defendants to  
9 review enormous volumes of business records to attempt to determine an answer, if possible, for  
10 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
11 Defendants object to this request on the basis that Defendants' burden associated with responding  
12 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
13 through this request, especially because the available documents, data and other information from  
14 which the answer, if any, could be derived in response to this request have been produced by  
15 Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available  
16 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and  
17 without waiving the foregoing objections and qualifications, Defendants respond as follows:

18 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
19 information Defendants currently know or can readily obtain, Defendants have insufficient  
20 information to admit or deny this request.

21 **REQUEST FOR ADMISSION NO. 509:**

22 Admit that majority of Fixes or Updates listed in the first two columns of Exhibit A were  
23 generated in part by using Local Environments maintained by TN on a release-by-release basis  
24 (so-called "extended support environments"), without regard to the Customer from whom the  
25 CDs used to build the Local Environments were acquired.

26 **RESPONSE TO REQUEST FOR ADMISSION NO. 509:**

27 Defendants object to this request on the grounds stated in the General Objections and  
28 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with

1 respect to the information sought in this request because Defendants SAP AG and SAP America  
2 have no additional knowledge separate and apart from the information provided by Defendant  
3 TomorrowNow in this response. Defendants object to the request because the terms “Fixes,”  
4 “Update,” “majority,” “generated,” “using,” “extended support environments,” and “local  
5 environment” makes this request vague and ambiguous. Defendants object to the phrase  
6 “maintained by TN on a release-by-release basis (so-called extended support environments)” as  
7 vague, ambiguous, and misleading. Defendants object to the phrase “without regard to the  
8 Customer from whom the CDs used to build the local environments were acquired” as vague,  
9 ambiguous, misleading, and calling for Defendants to speculate on individual TomorrowNow  
10 employees’ mental states. Further, Exhibit A lists the names of master bundles as that term was  
11 used by TomorrowNow in the SAS database. The master bundles are not the actual objects that  
12 are developed for TomorrowNow customers. Master bundles and master fixes are records that  
13 simply identify problems for which TomorrowNow generally developed objects to resolve. The  
14 object development often took place at the release level, source level, and customer level. If this  
15 request is actually asking for information related to each and every object TomorrowNow  
16 developed, this number is more in line with the 33,185 listed in Plaintiffs’ Exhibit D to Plaintiffs’  
17 Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To  
18 respond to this question, Defendants would have to analyze each individual object in each fix or  
19 update contained within each master bundle. Defendants, therefore, object to this request as  
20 compound and unduly burdensome in that this request seeks information and activities that (1)  
21 involved many thousands of objects, (2) involved numerous employees, (3) took place over  
22 several years, and (4) would require Defendants to review substantial business records to  
23 determine an answer, if possible, for each of the numerous numbers of objects contained within  
24 the fixes and updates, and Defendants’ burden in doing so would be substantially similar to the  
25 burden for Plaintiffs to do so given that the available information is at least as equally accessible  
26 to Plaintiffs as it is to Defendants.

27 Subject to the General Objections and Responses and these specific objections, after a  
28 reasonable inquiry and based on Defendants’ understanding of these questions, Defendants lack

1 sufficient knowledge and information to either admit or deny these requests as the information  
2 sought was not tracked, recorded, or maintained by TomorrowNow in a “readily obtainable  
3 manner.” Based on all of the reasons and objections stated above, these requests are DENIED.

4 **AMENDED REQUEST FOR ADMISSION NO. 509:**

5 Admit that majority of Fixes or Updates listed in the first two columns of Exhibit A were  
6 generated in part by using Generic Environments.

7 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 509:**

8 Defendants incorporate by reference, as if fully set forth herein, all of Defendants’  
9 General Objections noted above. Defendants’ response is based solely on Defendant  
10 TomorrowNow’s knowledge with respect to the information sought in this request because  
11 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
12 information provided by Defendant TomorrowNow in this response. Defendants object to the  
13 request because the terms “fix,” “update,” “generated,” “using,” “generic environments” make  
14 this request overly broad, vague and ambiguous. “Generic Environment” is a term created by  
15 Plaintiffs and as used and defined by Plaintiffs is misleading by attempting to suggest that any  
16 such environment or environment component was not used for limited customers, scope or  
17 purpose. Defendants further object to the definition of “Generic Environment” to the extent it  
18 incorporates the overly broad, unduly burdensome, and vague term “Environment,” to which  
19 Defendants object above. Further, Exhibit A lists the names of “master bundles” as that phrase  
20 was used by TomorrowNow in the SAS database. TomorrowNow’s “master bundles” are not the  
21 actual objects included in fixes or updates that are developed for TomorrowNow’s customers.  
22 “Master bundles” and “master fixes” are records that describe the issue to be addressed and then  
23 serve as a record keeping device and reference for that issue and related activity TomorrowNow  
24 undertook to address that issue. The actual development of customer-specific objects included in  
25 customer-specific fixes and updates was referenced to a “master bundle” or “master fix” record  
26 for identification and record keeping purposes. Thus, if this request seeks an admission related to  
27 each and every object related to each and every customer-specific fix or update that  
28 TomorrowNow developed, then this single request impermissibly seeks literally thousands of

1 admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects  
2 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG,  
3 SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
4 request, Defendants would have to analyze each individual object in each fix or update contained  
5 within each master bundle. Defendants, therefore, object on the basis that this request is  
6 compound, overly broad and unduly burdensome because it seeks an admission regarding  
7 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
8 numerous employees, (3) took place over several years, and (4) would require Defendants to  
9 review enormous volumes of business records to attempt to determine an answer, if possible, for  
10 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
11 Defendants object to this request on the basis that Defendants' burden associated with responding  
12 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
13 through this request, especially because the available documents, data and other information from  
14 which the answer, if any, could be derived in response to this request have been produced by  
15 Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available  
16 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and  
17 without waiving the foregoing objections and qualifications, Defendants respond as follows:

18 ADMITTED on the following qualified basis: TomorrowNow reasonably believes that  
19 the majority of the objects (meaning at least one object more than half of the total objects)  
20 associated with the master bundle records referenced in the first two columns of Exhibit A were  
21 generated in part by using environments specific to TomorrowNow's retrofit support of specific  
22 TomorrowNow customers. To the extent not admitted, this request is DENIED.

23 **REQUEST FOR ADMISSION NO. 510:**

24 Admit that some Fixes or Updates listed in the first two columns of Exhibit A were  
25 generated in part by using Local Environments maintained by TN on a release-by-release basis  
26 (so-called "extended support environments"), without regard to the Customer from whom the  
27 CDs used to build the Local Environments were acquired.  
28



**RESPONSE TO REQUEST FOR ADMISSION NO. 510:**

Defendants object to this request on the grounds stated in the General Objections and Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant TomorrowNow in this response. Defendants object to the request because the terms "Fixes," "Update," "generated," "using," "some," "extended support environments," and "local environment" makes this request vague and ambiguous. Defendants object to the phrase "maintained by TN on a release-by-release basis (so-called extended support environments)" as vague, ambiguous, and misleading. Defendants object to the phrase "without regard to the Customer from whom the CDs used to build the local environments were acquired" as vague, ambiguous, misleading, and calling for Defendants to speculate on individual TomorrowNow employees' mental states. Further, Exhibit A lists the names of master bundles as that term was used by TomorrowNow in the SAS database. The master bundles are not the actual objects that are developed for TomorrowNow customers. Master bundles and master fixes are records that simply identify problems for which TomorrowNow generally developed objects to resolve. The object development often took place at the release level, source level, and customer level. If this request is actually asking for information related to each and every object TomorrowNow developed, this number is more in line with the 33,185 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this question, Defendants would have to analyze each individual object in each fix or update contained within each master bundle. Defendants, therefore, object to this request as compound and unduly burdensome in that this request seeks information and activities that (1) involved many thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4) would require Defendants to review substantial business records to determine an answer, if possible, for each of the numerous numbers of objects contained within the fixes and updates, and Defendants' burden in doing so would be substantially similar to the burden for Plaintiffs to do so given that the available information is at least as equally accessible

1 to Plaintiffs as it is to Defendants.

2 Subject to the General Objections and Responses and these specific objections, after a  
3 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
4 sufficient knowledge and information to either admit or deny these requests as the information  
5 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
6 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

7 **AMENDED REQUEST FOR ADMISSION NO. 510:**

8 Admit that some Fixes or Updates listed in the first two columns of Exhibit A were  
9 generated in part by using Generic Environments.

10 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 510:**

11 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
12 General Objections noted above. Defendants' response is based solely on Defendant  
13 TomorrowNow's knowledge with respect to the information sought in this request because  
14 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
15 information provided by Defendant TomorrowNow in this response. Defendants object to the  
16 request because the terms "fix," "update," "generated," "using," "generic environments" make  
17 this request overly broad, vague and ambiguous. "Generic Environment" is a term created by  
18 Plaintiffs and as used and defined by Plaintiffs is misleading by attempting to suggest that any  
19 such environment or environment component was not used for limited customers, scope or  
20 purpose. Defendants further object to the definition of "Generic Environment" to the extent it  
21 incorporates the overly broad, unduly burdensome, and vague term "Environment," to which  
22 Defendants object above. Further, Exhibit A lists the names of "master bundles" as that phrase  
23 was used by TomorrowNow in the SAS database. TomorrowNow's "master bundles" are not the  
24 actual objects included in fixes or updates that are developed for TomorrowNow's customers.  
25 "Master bundles" and "master fixes" are records that describe the issue to be addressed and then  
26 serve as a record keeping device and reference for that issue and related activity TomorrowNow  
27 undertook to address that issue. The actual development of customer-specific objects included in  
28 customer-specific fixes and updates was referenced to a "master bundle" or "master fix" record

1 for identification and record keeping purposes. Thus, if this request seeks an admission related to  
2 each and every object related to each and every customer-specific fix or update that  
3 TomorrowNow developed, then this single request impermissibly seeks literally thousands of  
4 admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects  
5 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG,  
6 SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
7 request, Defendants would have to analyze each individual object in each fix or update contained  
8 within each master bundle. Defendants, therefore, object on the basis that this request is  
9 compound, overly broad and unduly burdensome because it seeks an admission regarding  
10 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
11 numerous employees, (3) took place over several years, and (4) would require Defendants to  
12 review enormous volumes of business records to attempt to determine an answer, if possible, for  
13 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
14 Defendants object to this request on the basis that Defendants' burden associated with responding  
15 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
16 through this request, especially because the available documents, data and other information from  
17 which the answer, if any, could be derived in response to this request have been produced by  
18 Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available  
19 information is now as equally accessible to Plaintiffs as it is to Defendants. Further, in providing  
20 this response, Defendants are defining "some" as "more than one" as suggested by Plaintiffs in  
21 their August 10, 2009 meet and confer letter. Subject to and without waiving the foregoing  
22 objections and qualifications, Defendants respond as follows:

23 ADMITTED on the following qualified basis: Some of the objects (meaning more than  
24 one object) associated with the master bundle records referenced in the first two columns of  
25 Exhibit A were generated in part by using environments specific to TomorrowNow's retrofit  
26 support of specific TomorrowNow customers. To the extent not admitted, this request is DENIED.

27 **REQUEST FOR ADMISSION NO. 511:**

28 Admit that at least one Fix or Update listed in the first two columns of Exhibit A was

1 generated in part by using Local Environments maintained by TN on a release-by-release basis  
2 (so-called “extended support environments”), without regard to the Customer from whom the  
3 CDs used to build the Local Environments were acquired.

4 **RESPONSE TO REQUEST FOR ADMISSION NO. 511:**

5 Defendants object to this request on the grounds stated in the General Objections and  
6 Responses. Defendants’ response is based solely on Defendant TomorrowNow’s knowledge with  
7 respect to the information sought in this request because Defendants SAP AG and SAP America  
8 have no additional knowledge separate and apart from the information provided by Defendant  
9 TomorrowNow in this response. Defendants object to the request because the terms “Fix,”  
10 “Updates,” “generated,” “using,” “extended support environments,” and “local environment”  
11 makes this request vague and ambiguous. Defendants object to the phrase “maintained by TN on  
12 a release-by-release basis (so-called extended support environments)” as vague, ambiguous, and  
13 misleading. Defendants object to the phrase “without regard to the Customer from whom the  
14 CDs used to build the local environments were acquired” as vague, ambiguous, misleading, and  
15 calling for Defendants to speculate on individual TomorrowNow employees’ mental states.  
16 Further, Exhibit A lists the names of master bundles as that term was used by TomorrowNow in  
17 the SAS database. The master bundles are not the actual objects that are developed for  
18 TomorrowNow customers. Master bundles and master fixes are records that simply identify  
19 problems for which TomorrowNow generally developed objects to resolve. The object  
20 development often took place at the release level, source level, and customer level. If this request  
21 is actually asking for information related to each and every object TomorrowNow developed, this  
22 number is more in line with the 33,185 listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of  
23 Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this  
24 question, Defendants would have to analyze each individual object in each fix or update  
25 contained within each master bundle. Defendants, therefore, object to this request as compound  
26 and unduly burdensome in that this request seeks information and activities that (1) involved  
27 many thousands of objects, (2) involved numerous employees, (3) took place over several years,  
28 and (4) would require Defendants to review substantial business records to determine an answer,

1 if possible, for each of the numerous numbers of objects contained within the fixes and updates,  
2 and Defendants' burden in doing so would be substantially similar to the burden for Plaintiffs to  
3 do so given that the available information is at least as equally accessible to Plaintiffs as it is to  
4 Defendants.

5 Subject to the General Objections and Responses and these specific objections, after a  
6 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
7 sufficient knowledge and information to either admit or deny these requests as the information  
8 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
9 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

10 **AMENDED REQUEST FOR ADMISSION NO. 511:**

11 Admit that at least one Fix or Update listed in the first two columns of Exhibit A was  
12 generated in part by using Generic Environments.

13 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 511:**

14 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
15 General Objections noted above. Defendants' response is based solely on Defendant  
16 TomorrowNow's knowledge with respect to the information sought in this request because  
17 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
18 information provided by Defendant TomorrowNow in this response. Defendants object to the  
19 request because the terms "fix," "update," "generated," "using," "generic environments" make  
20 this request overly broad, vague and ambiguous. "Generic Environment" is a term created by  
21 Plaintiffs and as used and defined by Plaintiffs is misleading by attempting to suggest that any  
22 such environment or environment component was not used for limited customers, scope or  
23 purpose. Defendants further object to the definition of "Generic Environment" to the extent it  
24 incorporates the overly broad, unduly burdensome, and vague term "Environment," to which  
25 Defendants object above. Further, Exhibit A lists the names of "master bundles" as that phrase  
26 was used by TomorrowNow in the SAS database. TomorrowNow's "master bundles" are not the  
27 actual objects included in fixes or updates that are developed for TomorrowNow's customers.  
28 "Master bundles" and "master fixes" are records that describe the issue to be addressed and then

1 serve as a record keeping device and reference for that issue and related activity TomorrowNow  
2 undertook to address that issue. The actual development of customer-specific objects included in  
3 customer-specific fixes and updates was referenced to a “master bundle” or “master fix” record  
4 for identification and record keeping purposes. Thus, if this request seeks an admission related to  
5 each and every object related to each and every customer-specific fix or update that  
6 TomorrowNow developed, then this single request impermissibly seeks literally thousands of  
7 admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects  
8 listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for Admissions to SAP AG,  
9 SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
10 request, Defendants would have to analyze each individual object in each fix or update contained  
11 within each master bundle. Defendants, therefore, object on the basis that this request is  
12 compound, overly broad and unduly burdensome because it seeks an admission regarding  
13 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
14 numerous employees, (3) took place over several years, and (4) would require Defendants to  
15 review enormous volumes of business records to attempt to determine an answer, if possible, for  
16 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
17 Defendants object to this request on the basis that Defendants’ burden associated with responding  
18 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
19 through this request, especially because the available documents, data and other information from  
20 which the answer, if any, could be derived in response to this request have been produced by  
21 Defendants in response to Plaintiffs’ other discovery requests and thus any relevant, available  
22 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and  
23 without waiving the foregoing objections and qualifications, Defendants respond as follows:

24 ADMITTED on the following qualified basis: At least one of the objects associated with  
25 the master bundle records referenced in the first two columns of Exhibit A was generated in part  
26 by using environments specific to TomorrowNow’s retrofit support of specific TomorrowNow  
27 customers. To the extent not admitted, this request is DENIED.

28

1 **REQUEST FOR ADMISSION NO. 512:**

2 Admit that for each Fix or Update listed in the first two columns of Exhibit A, one step in  
3 the process of generating that Fix or Update was to apply a Copy of a tax Update published by  
4 PeopleSoft or Oracle to an existing “extended support environment” (as the term is used in  
5 Requests Nos. 508-511), and to save the resulting Environment as a new extended support  
6 “environment.”

7 **RESPONSE TO REQUEST FOR ADMISSION NO. 512:**

8 Defendants object to this request on the grounds stated in the General Objections and  
9 Responses. Defendants’ response is based solely on Defendant TomorrowNow’s knowledge with  
10 respect to the information sought in this request because Defendants SAP AG and SAP America  
11 have no additional knowledge separate and apart from the information provided by Defendant  
12 TomorrowNow in this response. Defendants object to the request because the terms “Fix,”  
13 “Update,” “generating,” “apply,” “copy,” “extended support environment,” and “environment”  
14 are capable of multiple meanings and thus, make this request vague and ambiguous. Further,  
15 Exhibit A lists the names of master bundles as that term was used by TomorrowNow in the SAS  
16 database. The master bundles are not the actual objects that are developed for TomorrowNow  
17 customers. Master bundles and master fixes are records that simply identify problems for which  
18 TomorrowNow generally developed objects to resolve. The object development often took place  
19 at the release level, source level, and customer level. If this request is actually asking for  
20 information related to each and every object TomorrowNow developed, this number is more in  
21 line with the 33,185 listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for  
22 Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this question,  
23 Defendants would have to analyze each individual object in each fix or update contained within  
24 each master bundle. Defendants, therefore, object to this request as compound and unduly  
25 burdensome in that this request seeks information and activities that (1) involved many thousands  
26 of objects, (2) involved numerous employees, (3) took place over several years, and (4) would  
27 require Defendants to review substantial business records to determine an answer, if possible, for  
28 each of the numerous numbers of objects contained within the fixes and updates, and Defendants’

1 burden in doing so would be substantially similar to the burden for Plaintiffs to do so given that  
2 the available information is at least as equally accessible to Plaintiffs as it is to Defendants.  
3 Defendants also object to the term “extended support environment” (as the term is used in  
4 Request Nos. 508-511) for the reasons stated in Defendants’ objections to Request Nos. 508-511.

5 Subject to the General Objections and Responses and these specific objections, after a  
6 reasonable inquiry and based on Defendants’ understanding of these questions, Defendants lack  
7 sufficient knowledge and information to either admit or deny these requests as the information  
8 sought was not tracked, recorded, or maintained by TomorrowNow in a “readily obtainable  
9 manner.” Based on all of the reasons and objections stated above, these requests are DENIED.

10 **AMENDED REQUEST FOR ADMISSION NO. 512:**

11 Admit that for each Fix or Update listed in the first two columns of Exhibit A, one step in  
12 the process of generating that Fix or Update was to apply a Copy of a tax Update published by  
13 PeopleSoft or Oracle to an existing Generic Environment, and to save the resulting Environment  
14 as a new Generic Environment.

15 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 512:**

16 Defendants incorporate by reference, as if fully set forth herein, all of Defendants’  
17 General Objections noted above. Defendants’ response is based solely on Defendant  
18 TomorrowNow’s knowledge with respect to the information sought in this request because  
19 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
20 information provided by Defendant TomorrowNow in this response. Defendants object to the  
21 request because the terms “fix,” “update,” “generating,” “apply,” “copy,” and “generic  
22 environment” make this request overly broad, vague and ambiguous. “Generic Environment” is a  
23 term created by Plaintiffs and as used and defined by Plaintiffs is misleading by attempting to  
24 suggest that any such environment or environment component was not used for limited customers,  
25 scope or purpose. Defendants further object to the definition of “Generic Environment” to the  
26 extent it incorporates the overly broad, unduly burdensome, and vague term “Environment,” to  
27 which Defendants object above. Further, Exhibit A lists the names of “master bundles” as that  
28 phrase was used by TomorrowNow in the SAS database. TomorrowNow’s “master bundles” are



1 not the actual objects included in fixes or updates that are developed for TomorrowNow's  
2 customers. "Master bundles" and "master fixes" are records that describe the issue to be  
3 addressed and then serve as a record keeping device and reference for that issue and related  
4 activity TomorrowNow undertook to address that issue. The actual development of customer-  
5 specific objects included in customer-specific fixes and updates was referenced to a "master  
6 bundle" or "master fix" record for identification and record keeping purposes. Thus, if this  
7 request seeks an admission related to each and every object related to each and every customer-  
8 specific fix or update that TomorrowNow developed, then this single request impermissibly seeks  
9 literally thousands of admissions similar to the admissions Plaintiffs impermissibly seek  
10 regarding the 33,185 objects listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for  
11 Admissions to SAP AG, SAP America, and TomorrowNow. If that is the intent of this request,  
12 then to respond to this request, Defendants would have to analyze each individual object in each  
13 fix or update contained within each master bundle. Defendants, therefore, object on the basis that  
14 this request is compound, overly broad and unduly burdensome because it seeks an admission  
15 regarding thousands of separate activities that (1) involved many thousands of objects, (2)  
16 involved numerous employees, (3) took place over several years, and (4) would require  
17 Defendants to review enormous volumes of business records to attempt to determine an answer, if  
18 possible, for each of the numerous objects contained within the referenced fixes and updates.  
19 Moreover, Defendants object to this request on the basis that Defendants' burden associated with  
20 responding to this request is substantially similar to the burden for Plaintiffs to obtain the  
21 information sought through this request, especially because the available documents, data and  
22 other information from which the answer, if any, could be derived in response to this request have  
23 been produced by Defendants in response to Plaintiffs' other discovery requests and thus any  
24 relevant, available information is now as equally accessible to Plaintiffs as it is to Defendants.  
25 Subject to and without waiving the foregoing objections and qualifications, Defendants respond  
26 as follows:

27 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
28 information Defendants currently know or can readily obtain, Defendants have insufficient

1 information to admit or deny this request.

2 **REQUEST FOR ADMISSION NO. 513:**

3 Admit that for the majority of Fixes or Updates listed in the first two columns of Exhibit  
4 A, one step in the process of generating that Fix or Update was to apply a Copy of a tax Update  
5 published by PeopleSoft or Oracle to an existing “extended support environment” (as the term is  
6 used in Requests Nos. 508-511), and to save the resulting Environment as a new “extended  
7 support environment.”

8 **RESPONSE TO REQUEST FOR ADMISSION NO. 513:**

9 Defendants object to this request on the grounds stated in the General Objections and  
10 Responses. Defendants’ response is based solely on Defendant TomorrowNow’s knowledge with  
11 respect to the information sought in this request because Defendants SAP AG and SAP America  
12 have no additional knowledge separate and apart from the information provided by Defendant  
13 TomorrowNow in this response. Defendants object to the request because the terms “Fix(es),”  
14 “Updates,” “majority” “generating,” “apply,” “copy,” “extended support environment,” and  
15 “environment” are capable of multiple meanings and thus, make this request vague and  
16 ambiguous. Further, Exhibit A lists the names of master bundles as that term was used by  
17 TomorrowNow in the SAS database. The master bundles are not the actual objects that are  
18 developed for TomorrowNow customers. Master bundles and master fixes are records that  
19 simply identify problems for which TomorrowNow generally developed objects to resolve. The  
20 object development often took place at the release level, source level, and customer level. If this  
21 request is actually asking for information related to each and every object TomorrowNow  
22 developed, this number is more in line with the 33,185 listed in Plaintiffs’ Exhibit D to Plaintiffs’  
23 Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To  
24 respond to this question, Defendants would have to analyze each individual object in each fix or  
25 update contained within each master bundle. Defendants, therefore, object to this request as  
26 compound and unduly burdensome in that this request seeks information and activities that (1)  
27 involved many thousands of objects, (2) involved numerous employees, (3) took place over  
28 several years, and (4) would require Defendants to review substantial business records to

1 determine an answer, if possible, for each of the numerous numbers of objects contained within  
2 the fixes and updates, and Defendants' burden in doing so would be substantially similar to the  
3 burden for Plaintiffs to do so given that the available information is at least as equally accessible  
4 to Plaintiffs as it is to Defendants. Defendants also object to the term "extended support  
5 environment" (as the term is used in Request Nos. 508-511) for the reasons stated in Defendants'  
6 objections to Request Nos. 508-511.

7 Subject to the General Objections and Responses and these specific objections, after a  
8 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
9 sufficient knowledge and information to either admit or deny these requests, as the information  
10 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
11 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

12 **AMENDED REQUEST FOR ADMISSION NO. 513:**

13 Admit that for the majority of Fixes or Updates listed in the first two columns of Exhibit  
14 A, one step in the process of generating that Fix or Update was to apply a Copy of a tax Update  
15 published by PeopleSoft or Oracle to an existing Generic Environment, and to save the resulting  
16 Environment as a new Generic Environment.

17 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 513:**

18 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
19 General Objections noted above. Defendants' response is based solely on Defendant  
20 TomorrowNow's knowledge with respect to the information sought in this request because  
21 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
22 information provided by Defendant TomorrowNow in this response. Defendants object to the  
23 request because the terms "fix," "update," "generating," "apply," "copy," and "generic  
24 environment" make this request overly broad, vague and ambiguous. "Generic Environment" is a  
25 term created by Plaintiffs and as used and defined by Plaintiffs is misleading by attempting to  
26 suggest that any such environment or environment component was not used for limited customers,  
27 scope or purpose. Defendants further object to the definition of "Generic Environment" to the  
28 extent it incorporates the overly broad, unduly burdensome, and vague term "Environment," to

1 which Defendants object above. Further, Exhibit A lists the names of “master bundles” as that  
2 phrase was used by TomorrowNow in the SAS database. TomorrowNow’s “master bundles” are  
3 not the actual objects included in fixes or updates that are developed for TomorrowNow’s  
4 customers. “Master bundles” and “master fixes” are records that describe the issue to be  
5 addressed and then serve as a record keeping device and reference for that issue and related  
6 activity TomorrowNow undertook to address that issue. The actual development of customer-  
7 specific objects included in customer-specific fixes and updates was referenced to a “master  
8 bundle” or “master fix” record for identification and record keeping purposes. Thus, if this  
9 request seeks an admission related to each and every object related to each and every customer-  
10 specific fix or update that TomorrowNow developed, then this single request impermissibly seeks  
11 literally thousands of admissions similar to the admissions Plaintiffs impermissibly seek  
12 regarding the 33,185 objects listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for  
13 Admissions to SAP AG, SAP America, and TomorrowNow. If that is the intent of this request,  
14 then to respond to this request, Defendants would have to analyze each individual object in each  
15 fix or update contained within each master bundle. Defendants, therefore, object on the basis that  
16 this request is compound, overly broad and unduly burdensome because it seeks an admission  
17 regarding thousands of separate activities that (1) involved many thousands of objects, (2)  
18 involved numerous employees, (3) took place over several years, and (4) would require  
19 Defendants to review enormous volumes of business records to attempt to determine an answer, if  
20 possible, for each of the numerous objects contained within the referenced fixes and updates.  
21 Moreover, Defendants object to this request on the basis that Defendants’ burden associated with  
22 responding to this request is substantially similar to the burden for Plaintiffs to obtain the  
23 information sought through this request, especially because the available documents, data and  
24 other information from which the answer, if any, could be derived in response to this request have  
25 been produced by Defendants in response to Plaintiffs’ other discovery requests and thus any  
26 relevant, available information is now as equally accessible to Plaintiffs as it is to Defendants.  
27 Subject to and without waiving the foregoing objections and qualifications, Defendants respond  
28 as follows:

1 ADMITTED on the following qualified basis: TomorrowNow reasonably believes that,  
2 for the majority of the objects (meaning at least one object more than half of the total objects)  
3 associated with the master bundle records referenced in the first two columns of Exhibit A, one  
4 step in the process for generating the object was to apply the PeopleSoft posted tax update to an  
5 existing environment specific to TomorrowNow's retrofit support of specific TomorrowNow  
6 customers and to save that environment with a new name to signify that the tax update had been  
7 applied. To the extent not admitted, this request is DENIED.

8 **REQUEST FOR ADMISSION NO. 514:**

9 Admit that for some Fixes or Updates listed in the first two columns of Exhibit A, one  
10 step in the process of generating that Fix or Update was to apply a Copy of a tax Update  
11 published by PeopleSoft or Oracle to an existing "extended support environment" (as the term is  
12 used in Requests Nos. 508-511), and to save the resulting Environment as a new "extended  
13 support environment."

14 **RESPONSE TO REQUEST FOR ADMISSION NO. 514:**

15 Defendants object to this request on the grounds stated in the General Objections and  
16 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
17 respect to the information sought in this request because Defendants SAP AG and SAP America  
18 have no additional knowledge separate and apart from the information provided by Defendant  
19 TomorrowNow in this response. Defendants object to the request because the terms "Fix(es),"  
20 "Update," "generating," "apply," "copy," "extended support environment," "some" and  
21 "environment" are capable of multiple meanings and thus, make this request vague and  
22 ambiguous. Further, Exhibit A lists the names of master bundles as that term was used by  
23 TomorrowNow in the SAS database. The master bundles are not the actual objects that are  
24 developed for TomorrowNow customers. Master bundles and master fixes are records that  
25 simply identify problems for which TomorrowNow generally developed objects to resolve. The  
26 object development often took place at the release level, source level, and customer level. If this  
27 request is actually asking for information related to each and every object TomorrowNow  
28 developed, this number is more in line with the 33,185 listed in Plaintiffs' Exhibit D to Plaintiffs'

1 Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To  
2 respond to this question, Defendants would have to analyze each individual object in each fix or  
3 update contained within each master bundle. Defendants, therefore, object to this request as  
4 compound and unduly burdensome in that this request seeks information and activities that (1)  
5 involved many thousands of objects, (2) involved numerous employees, (3) took place over  
6 several years, and (4) would require Defendants to review substantial business records to  
7 determine an answer, if possible, for each of the numerous numbers of objects contained within  
8 the fixes and updates, and Defendants' burden in doing so would be substantially similar to the  
9 burden for Plaintiffs to do so given that the available information is at least as equally accessible  
10 to Plaintiffs as it is to Defendants. Defendants also object to the term "extended support  
11 environment" (as the term is used in Request Nos. 508-511) for the reasons stated in Defendants'  
12 objections to Request Nos. 508-511.

13 Subject to the General Objections and Responses and these specific objections, after a  
14 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
15 sufficient knowledge and information to either admit or deny these requests, as the information  
16 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
17 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

18 **AMENDED REQUEST FOR ADMISSION NO. 514:**

19 Admit that for some Fixes or Updates listed in the first two columns of Exhibit A, one  
20 step in the process of generating that Fix or Update was to apply a Copy of a tax Update  
21 published by PeopleSoft or Oracle to an existing Generic Environment, and to save the resulting  
22 Environment as a new Generic Environment.

23 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 514:**

24 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
25 General Objections noted above. Defendants' response is based solely on Defendant  
26 TomorrowNow's knowledge with respect to the information sought in this request because  
27 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
28 information provided by Defendant TomorrowNow in this response. Defendants object to the

1 request because the terms “fix,” “update,” “generating,” “apply,” “copy,” and “generic  
2 environment” make this request overly broad, vague and ambiguous. “Generic Environment” is a  
3 term created by Plaintiffs and as used and defined by Plaintiffs is misleading by attempting to  
4 suggest that any such environment or environment component was not used for limited customers,  
5 scope or purpose. Defendants further object to the definition of “Generic Environment” to the  
6 extent it incorporates the overly broad, unduly burdensome, and vague term “Environment,” to  
7 which Defendants object above. Further, Exhibit A lists the names of “master bundles” as that  
8 phrase was used by TomorrowNow in the SAS database. TomorrowNow’s “master bundles” are  
9 not the actual objects included in fixes or updates that are developed for TomorrowNow’s  
10 customers. “Master bundles” and “master fixes” are records that describe the issue to be  
11 addressed and then serve as a record keeping device and reference for that issue and related  
12 activity TomorrowNow undertook to address that issue. The actual development of customer-  
13 specific objects included in customer-specific fixes and updates was referenced to a “master  
14 bundle” or “master fix” record for identification and record keeping purposes. Thus, if this  
15 request seeks an admission related to each and every object related to each and every customer-  
16 specific fix or update that TomorrowNow developed, then this single request impermissibly seeks  
17 literally thousands of admissions similar to the admissions Plaintiffs impermissibly seek  
18 regarding the 33,185 objects listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for  
19 Admissions to SAP AG, SAP America, and TomorrowNow. If that is the intent of this request,  
20 then to respond to this request, Defendants would have to analyze each individual object in each  
21 fix or update contained within each master bundle. Defendants, therefore, object on the basis that  
22 this request is compound, overly broad and unduly burdensome because it seeks an admission  
23 regarding thousands of separate activities that (1) involved many thousands of objects, (2)  
24 involved numerous employees, (3) took place over several years, and (4) would require  
25 Defendants to review enormous volumes of business records to attempt to determine an answer, if  
26 possible, for each of the numerous objects contained within the referenced fixes and updates.  
27 Moreover, Defendants object to this request on the basis that Defendants’ burden associated with  
28 responding to this request is substantially similar to the burden for Plaintiffs to obtain the

1 information sought through this request, especially because the available documents, data and  
2 other information from which the answer, if any, could be derived in response to this request have  
3 been produced by Defendants in response to Plaintiffs' other discovery requests and thus any  
4 relevant, available information is now as equally accessible to Plaintiffs as it is to Defendants.  
5 Further, in providing this response, Defendants are defining "some" as "more than one" as  
6 suggested by Plaintiffs in their August 10, 2009 meet and confer letter. Subject to and without  
7 waiving the foregoing objections and qualifications, Defendants respond as follows:

8 ADMITTED on the following qualified basis: For some of the objects (meaning more  
9 than one object) associated with the master bundle records referenced in the first two columns of  
10 Exhibit A, one step in the process for generating the object was to apply the PeopleSoft posted tax  
11 update to an existing environment specific to TomorrowNow's retrofit support of specific  
12 TomorrowNow customers and to save that environment with a new name to signify that the tax  
13 update had been applied. To the extent not admitted, this request is DENIED.

14 **REQUEST FOR ADMISSION NO. 515:**

15 Admit that for at least one Fix or Update listed in the first two columns of Exhibit A, one  
16 step in the process of generating that Fix or Update was to apply a Copy of a tax Update  
17 published by PeopleSoft or Oracle to an existing "extended support environment" (as the term is  
18 used in Requests Nos. 508-511), and to save the resulting Environment as a new "extended  
19 support environment."

20 **RESPONSE TO REQUEST FOR ADMISSION NO. 515:**

21 Defendants object to this request on the grounds stated in the General Objections and  
22 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
23 respect to the information sought in this request because Defendants SAP AG and SAP America  
24 have no additional knowledge separate and apart from the information provided by Defendant  
25 TomorrowNow in this response. Defendants object to the request because the terms "Fix,"  
26 "Update," "generating," "apply," "copy," "extended support environment," and "environment"  
27 are capable of multiple meanings and thus, make this request vague and ambiguous. Further,  
28 Exhibit A lists the names of master bundles as that term was used by TomorrowNow in the SAS



1 database. The master bundles are not the actual objects that are developed for TomorrowNow  
2 customers. Master bundles and master fixes are records that simply identify problems for which  
3 TomorrowNow generally developed objects to resolve. The object development often took place  
4 at the release level, source level, and customer level. If this request is actually asking for  
5 information related to each and every object TomorrowNow developed, this number is more in  
6 line with the 33,185 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for  
7 Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this question,  
8 Defendants would have to analyze each individual object in each fix or update contained within  
9 each master bundle. Defendants, therefore, object to this request as compound and unduly  
10 burdensome in that this request seeks information and activities that (1) involved many thousands  
11 of objects, (2) involved numerous employees, (3) took place over several years, and (4) would  
12 require Defendants to review substantial business records to determine an answer, if possible, for  
13 each of the numerous numbers of objects contained within the fixes and updates, and Defendants'  
14 burden in doing so would be substantially similar to the burden for Plaintiffs to do so given that  
15 the available information is at least as equally accessible to Plaintiffs as it is to Defendants.  
16 Defendants also object to the term "extended support environment" (as the term is used in  
17 Request Nos. 508-511) for the reasons stated in Defendants' objections to Request Nos. 508-511.

18 Subject to the General Objections and Responses and these specific objections, after a  
19 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
20 sufficient knowledge and information to either admit or deny these requests, as the information  
21 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
22 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

23 **AMENDED REQUEST FOR ADMISSION NO. 515:**

24 Admit that for at least one Fix or Update listed in the first two columns of Exhibit A, one  
25 step in the process of generating that Fix or Update was to apply a Copy of a tax Update  
26 published by PeopleSoft or Oracle to an existing Generic Environment, and to save the resulting  
27 Environment as a new Generic Environment.

28

**AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 515:**

Defendants incorporate by reference, as if fully set forth herein, all of Defendants' General Objections noted above. Defendants' response is based solely on Defendant TomorrowNow's knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant TomorrowNow in this response. Defendants object to the request because the terms "fix," "update," "generating," "apply," "copy," and "generic environment" make this request overly broad, vague and ambiguous. "Generic Environment" is a term created by Plaintiffs and as used and defined by Plaintiffs is misleading by attempting to suggest that any such environment or environment component was not used for limited customers, scope or purpose. Defendants further object to the definition of "Generic Environment" to the extent it incorporates the overly broad, unduly burdensome, and vague term "Environment," to which Defendants object above. Further, Exhibit A lists the names of "master bundles" as that phrase was used by TomorrowNow in the SAS database. TomorrowNow's "master bundles" are not the actual objects included in fixes or updates that are developed for TomorrowNow's customers. "Master bundles" and "master fixes" are records that describe the issue to be addressed and then serve as a record keeping device and reference for that issue and related activity TomorrowNow undertook to address that issue. The actual development of customer-specific objects included in customer-specific fixes and updates was referenced to a "master bundle" or "master fix" record for identification and record keeping purposes. Thus, if this request seeks an admission related to each and every object related to each and every customer-specific fix or update that TomorrowNow developed, then this single request impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this request, Defendants would have to analyze each individual object in each fix or update contained within each master bundle. Defendants, therefore, object on the basis that this request is compound, overly broad and unduly burdensome because it seeks an admission

1 regarding thousands of separate activities that (1) involved many thousands of objects, (2)  
2 involved numerous employees, (3) took place over several years, and (4) would require  
3 Defendants to review enormous volumes of business records to attempt to determine an answer, if  
4 possible, for each of the numerous objects contained within the referenced fixes and updates.  
5 Moreover, Defendants object to this request on the basis that Defendants' burden associated with  
6 responding to this request is substantially similar to the burden for Plaintiffs to obtain the  
7 information sought through this request, especially because the available documents, data and  
8 other information from which the answer, if any, could be derived in response to this request have  
9 been produced by Defendants in response to Plaintiffs' other discovery requests and thus any  
10 relevant, available information is now as equally accessible to Plaintiffs as it is to Defendants.  
11 Subject to and without waiving the foregoing objections and qualifications, Defendants respond  
12 as follows:

13 ADMITTED on the following qualified basis: For at least one of the objects associated  
14 with the master bundle records referenced in the first two columns of Exhibit A, one step in the  
15 process for generating the object was to apply the PeopleSoft posted tax update to an existing  
16 environment specific to TomorrowNow's retrofit support of specific TomorrowNow customers  
17 and to save that environment with a new name to signify that the tax update had been applied. To  
18 the extent not admitted, this request is DENIED.

19 **REQUEST FOR ADMISSION NO. 516:**

20 Admit that for each Fix or Update listed in the first two columns of Exhibit A, one step in  
21 the process of generating that Fix or Update was to make a Copy of an existing "extended support  
22 environment" (as the term is used in Requests Nos. 508-511), and label the Copy as a "REP"  
23 Environment.

24 **RESPONSE TO REQUEST FOR ADMISSION NO. 516:**

25 Defendants object to this request on the grounds stated in the General Objections and  
26 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
27 respect to the information sought in this request because Defendants SAP AG and SAP America  
28 have no additional knowledge separate and apart from the information provided by Defendant

1 TomorrowNow in this response. Defendants object to the request because the terms “Fix,”  
2 “Update,” “generating,” “make,” “copy,” “extended support environment,” “‘REP’ environment,”  
3 and “environment” are capable of multiple meanings and thus, make this request vague and  
4 ambiguous. Further, Exhibit A lists the names of master bundles as that term was used by  
5 TomorrowNow in the SAS database. The master bundles are not the actual objects that are  
6 developed for TomorrowNow customers. Master bundles and master fixes are records that  
7 simply identify problems for which TomorrowNow generally developed objects to resolve. The  
8 object development often took place at the release level, source level, and customer level. If this  
9 request is actually asking for information related to each and every object TomorrowNow  
10 developed, this number is more in line with the 33,185 listed in Plaintiffs’ Exhibit D to Plaintiffs’  
11 Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To  
12 respond to this question, Defendants would have to analyze each individual object in each fix or  
13 update contained within each master bundle. Defendants, therefore, object to this request as  
14 compound and unduly burdensome in that this request seeks information and activities that (1)  
15 involved many thousands of objects, (2) involved numerous employees, (3) took place over  
16 several years, and (4) would require Defendants to review substantial business records to  
17 determine an answer, if possible, for each of the numerous numbers of objects contained within  
18 the fixes and updates, and Defendants’ burden in doing so would be substantially similar to the  
19 burden for Plaintiffs to do so given that the available information is at least as equally accessible  
20 to Plaintiffs as it is to Defendants. Defendants also object to the term “extended support  
21 environment” (as the term is used in Request Nos. 508-511) for the reasons stated in Defendants’  
22 objections to Request Nos. 508-511.

23 Subject to the General Objections and Responses and these specific objections, after a  
24 reasonable inquiry and based on Defendants’ understanding of these questions, Defendants lack  
25 sufficient knowledge and information to either admit or deny these requests, as the information  
26 sought was not tracked, recorded, or maintained by TomorrowNow in a “readily obtainable  
27 manner.” Based on all of the reasons and objections stated above, these requests are DENIED.  
28

1 **AMENDED REQUEST FOR ADMISSION NO. 516:**

2 Admit that for each Fix or Update listed in the first two columns of Exhibit A, one step in  
3 the process of generating that Fix or Update was to make a Copy of an existing Generic  
4 Environment, and label the Copy as a “REP” Environment.

5 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 516:**

6 Defendants incorporate by reference, as if fully set forth herein, all of Defendants’  
7 General Objections noted above. Defendants’ response is based solely on Defendant  
8 TomorrowNow’s knowledge with respect to the information sought in this request because  
9 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
10 information provided by Defendant TomorrowNow in this response. Defendants object to the  
11 request because the terms “fix,” “update,” “generating,” “make,” “copy,” “generic environment,”  
12 and “‘REP’ environment” make this request overly broad, vague and ambiguous. “Generic  
13 Environment” is a term created by Plaintiffs and as used and defined by Plaintiffs is misleading  
14 by attempting to suggest that any such environment or environment component was not used for  
15 limited customers, scope or purpose. Defendants further object to the definition of “Generic  
16 Environment” to the extent it incorporates the overly broad, unduly burdensome, and vague term  
17 “environment,” to which Defendants object above. Further, Exhibit A lists the names of “master  
18 bundles” as that phrase was used by TomorrowNow in the SAS database. TomorrowNow’s  
19 “master bundles” are not the actual objects included in fixes or updates that are developed for  
20 TomorrowNow’s customers. “Master bundles” and “master fixes” are records that describe the  
21 issue to be addressed and then serve as a record keeping device and reference for that issue and  
22 related activity TomorrowNow undertook to address that issue. The actual development of  
23 customer-specific objects included in customer-specific fixes and updates was referenced to a  
24 “master bundle” or “master fix” record for identification and record keeping purposes. Thus, if  
25 this request seeks an admission related to each and every object related to each and every  
26 customer-specific fix or update that TomorrowNow developed, then this single request  
27 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
28 impermissibly seek regarding the 33,185 objects listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third

1 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
2 intent of this request, then to respond to this request, Defendants would have to analyze each  
3 individual object in each fix or update contained within each master bundle. Defendants,  
4 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
5 because it seeks an admission regarding thousands of separate activities that (1) involved many  
6 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
7 would require Defendants to review enormous volumes of business records to attempt to  
8 determine an answer, if possible, for each of the numerous objects contained within the  
9 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
10 Defendants' burden associated with responding to this request is substantially similar to the  
11 burden for Plaintiffs to obtain the information sought through this request, especially because the  
12 available documents, data and other information from which the answer, if any, could be derived  
13 in response to this request have been produced by Defendants in response to Plaintiffs' other  
14 discovery requests and thus any relevant, available information is now as equally accessible to  
15 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
16 qualifications, Defendants respond as follows:

17 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
18 information Defendants currently know or can readily obtain, Defendants have insufficient  
19 information to admit or deny this request.

20 **REQUEST FOR ADMISSION NO. 517:**

21 Admit that for the majority of Fixes or Updates listed in the first two columns of Exhibit  
22 A, one step in the process of generating that Fix or Update was to make a Copy of an existing  
23 "extended support environment" (as the term is used in Requests Nos. 508-511), and label the  
24 Copy as a "REP" Environment.

25 **RESPONSE TO REQUEST FOR ADMISSION NO. 517:**

26 Defendants object to this request on the grounds stated in the General Objections and  
27 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
28 respect to the information sought in this request because Defendants SAP AG and SAP America

1 have no additional knowledge separate and apart from the information provided by Defendant  
2 TomorrowNow in this response. Defendants object to the request because the terms “Fix(es),”  
3 “Update,” “majority,” “generating,” “make,” “copy,” “extended support environment,” ““REP”  
4 environment,” and “environment” are capable of multiple meanings and thus, make this request  
5 vague and ambiguous. Further, Exhibit A lists the names of master bundles as that term was used  
6 by TomorrowNow in the SAS database. The master bundles are not the actual objects that are  
7 developed for TomorrowNow customers. Master bundles and master fixes are records that  
8 simply identify problems for which TomorrowNow generally developed objects to resolve. The  
9 object development often took place at the release level, source level, and customer level. If this  
10 request is actually asking for information related to each and every object TomorrowNow  
11 developed, this number is more in line with the 33,185 listed in Plaintiffs’ Exhibit D to Plaintiffs’  
12 Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To  
13 respond to this question, Defendants would have to analyze each individual object in each fix or  
14 update contained within each master bundle. Defendants, therefore, object to this request as  
15 compound and unduly burdensome in that this request seeks information and activities that (1)  
16 involved many thousands of objects, (2) involved numerous employees, (3) took place over  
17 several years, and (4) would require Defendants to review substantial business records to  
18 determine an answer, if possible, for each of the numerous numbers of objects contained within  
19 the fixes and updates, and Defendants’ burden in doing so would be substantially similar to the  
20 burden for Plaintiffs to do so given that the available information is at least as equally accessible  
21 to Plaintiffs as it is to Defendants. Defendants also object to “extended support environment” (as  
22 the term is used in Request Nos. 508-511) for the reasons stated in Defendants’ objections to  
23 Request Nos. 508-511.

24 Subject to the General Objections and Responses and these specific objections, after a  
25 reasonable inquiry and based on Defendants’ understanding of these questions, Defendants lack  
26 sufficient knowledge and information to either admit or deny these requests, as the information  
27 sought was not tracked, recorded, or maintained by TomorrowNow in a “readily obtainable  
28 manner.” Based on all of the reasons and objections stated above, these requests are DENIED.

1 **AMENDED REQUEST FOR ADMISSION NO. 517:**

2 Admit that for the majority of Fixes or Updates listed in the first two columns of Exhibit  
3 A, one step in the process of generating that Fix or Update was to make a Copy of an existing  
4 Generic Environment, and label the Copy as a “REP” Environment.

5 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 517:**

6 Defendants incorporate by reference, as if fully set forth herein, all of Defendants’  
7 General Objections noted above. Defendants’ response is based solely on Defendant  
8 TomorrowNow’s knowledge with respect to the information sought in this request because  
9 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
10 information provided by Defendant TomorrowNow in this response. Defendants object to the  
11 request because the terms “fix,” “update,” “generating,” “make,” “copy,” “generic environment,”  
12 and “‘REP’ environment” make this request overly broad, vague and ambiguous. “Generic  
13 Environment” is a term created by Plaintiffs and as used and defined by Plaintiffs is misleading  
14 by attempting to suggest that any such environment or environment component was not used for  
15 limited customers, scope or purpose. Defendants further object to the definition of “Generic  
16 Environment” to the extent it incorporates the overly broad, unduly burdensome, and vague term  
17 “environment,” to which Defendants object above. Further, Exhibit A lists the names of “master  
18 bundles” as that phrase was used by TomorrowNow in the SAS database. TomorrowNow’s  
19 “master bundles” are not the actual objects included in fixes or updates that are developed for  
20 TomorrowNow’s customers. “Master bundles” and “master fixes” are records that describe the  
21 issue to be addressed and then serve as a record keeping device and reference for that issue and  
22 related activity TomorrowNow undertook to address that issue. The actual development of  
23 customer-specific objects included in customer-specific fixes and updates was referenced to a  
24 “master bundle” or “master fix” record for identification and record keeping purposes. Thus, if  
25 this request seeks an admission related to each and every object related to each and every  
26 customer-specific fix or update that TomorrowNow developed, then this single request  
27 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
28 impermissibly seek regarding the 33,185 objects listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third



1 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
2 intent of this request, then to respond to this request, Defendants would have to analyze each  
3 individual object in each fix or update contained within each master bundle. Defendants,  
4 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
5 because it seeks an admission regarding thousands of separate activities that (1) involved many  
6 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
7 would require Defendants to review enormous volumes of business records to attempt to  
8 determine an answer, if possible, for each of the numerous objects contained within the  
9 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
10 Defendants' burden associated with responding to this request is substantially similar to the  
11 burden for Plaintiffs to obtain the information sought through this request, especially because the  
12 available documents, data and other information from which the answer, if any, could be derived  
13 in response to this request have been produced by Defendants in response to Plaintiffs' other  
14 discovery requests and thus any relevant, available information is now as equally accessible to  
15 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
16 qualifications, Defendants respond as follows:

17 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
18 information Defendants currently know or can readily obtain, Defendants have insufficient  
19 information to admit or deny this request.

20 **REQUEST FOR ADMISSION NO. 518:**

21 Admit that for some Fixes or Updates listed in the first two columns of Exhibit A, one  
22 step in the process of generating that Fix or Update was to make a Copy of an existing "extended  
23 support environment" (as the term is used in Requests Nos. 508-511), and label the Copy as a  
24 "REP" Environment.

25 **RESPONSE TO REQUEST FOR ADMISSION NO. 518:**

26 Defendants object to this request on the grounds stated in the General Objections and  
27 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
28 respect to the information sought in this request because Defendants SAP AG and SAP America

1 have no additional knowledge separate and apart from the information provided by Defendant  
2 TomorrowNow in this response. Defendants object to the request because the terms “Fix(es),”  
3 “Updates,” “generating,” “make,” “copy,” “extended support environment,” “some,” “‘REP’  
4 environment,” and “environment” are capable of multiple meanings and thus, make this request  
5 vague and ambiguous. Further, Exhibit A lists the names of master bundles as that term was used  
6 by TomorrowNow in the SAS database. The master bundles are not the actual objects that are  
7 developed for TomorrowNow customers. Master bundles and master fixes are records that  
8 simply identify problems for which TomorrowNow generally developed objects to resolve. The  
9 object development often took place at the release level, source level, and customer level. If this  
10 request is actually asking for information related to each and every object TomorrowNow  
11 developed, this number is more in line with the 33,185 listed in Plaintiffs’ Exhibit D to Plaintiffs’  
12 Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To  
13 respond to this question, Defendants would have to analyze each individual object in each fix or  
14 update contained within each master bundle. Defendants, therefore, object to this request as  
15 compound and unduly burdensome in that this request seeks information and activities that (1)  
16 involved many thousands of objects, (2) involved numerous employees, (3) took place over  
17 several years, and (4) would require Defendants to review substantial business records to  
18 determine an answer, if possible, for each of the numerous numbers of objects contained within  
19 the fixes and updates, and Defendants’ burden in doing so would be substantially similar to the  
20 burden for Plaintiffs to do so given that the available information is at least as equally accessible  
21 to Plaintiffs as it is to Defendants. Defendants also object to “extended support environment” (as  
22 the term is used in Request Nos. 508-511) for the reasons stated in Defendants’ objections to  
23 Request Nos. 508-511.

24 Subject to the General Objections and Responses and these specific objections, after a  
25 reasonable inquiry and based on Defendants’ understanding of these questions, Defendants lack  
26 sufficient knowledge and information to either admit or deny these requests, as the information  
27 sought was not tracked, recorded, or maintained by TomorrowNow in a “readily obtainable  
28 manner.” Based on all of the reasons and objections stated above, these requests are DENIED.

**AMENDED REQUEST FOR ADMISSION NO. 518:**

Admit that for some Fixes or Updates listed in the first two columns of Exhibit A, one step in the process of generating that Fix or Update was to make a Copy of an existing Generic Environment, and label the Copy as a “REP” Environment.

**AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 518:**

Defendants incorporate by reference, as if fully set forth herein, all of Defendants’ General Objections noted above. Defendants’ response is based solely on Defendant TomorrowNow’s knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant TomorrowNow in this response. Defendants object to the request because the terms “fix,” “update,” “generating,” “make,” “copy,” “generic environment,” and “‘REP’ environment” make this request overly broad, vague and ambiguous. “Generic Environment” is a term created by Plaintiffs and as used and defined by Plaintiffs is misleading by attempting to suggest that any such environment or environment component was not used for limited customers, scope or purpose. Defendants further object to the definition of “Generic Environment” to the extent it incorporates the overly broad, unduly burdensome, and vague term “environment,” to which Defendants object above. Further, Exhibit A lists the names of “master bundles” as that phrase was used by TomorrowNow in the SAS database. TomorrowNow’s “master bundles” are not the actual objects included in fixes or updates that are developed for TomorrowNow’s customers. “Master bundles” and “master fixes” are records that describe the issue to be addressed and then serve as a record keeping device and reference for that issue and related activity TomorrowNow undertook to address that issue. The actual development of customer-specific objects included in customer-specific fixes and updates was referenced to a “master bundle” or “master fix” record for identification and record keeping purposes. Thus, if this request seeks an admission related to each and every object related to each and every customer-specific fix or update that TomorrowNow developed, then this single request impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third

1 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
2 intent of this request, then to respond to this request, Defendants would have to analyze each  
3 individual object in each fix or update contained within each master bundle. Defendants,  
4 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
5 because it seeks an admission regarding thousands of separate activities that (1) involved many  
6 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
7 would require Defendants to review enormous volumes of business records to attempt to  
8 determine an answer, if possible, for each of the numerous objects contained within the  
9 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
10 Defendants' burden associated with responding to this request is substantially similar to the  
11 burden for Plaintiffs to obtain the information sought through this request, especially because the  
12 available documents, data and other information from which the answer, if any, could be derived  
13 in response to this request have been produced by Defendants in response to Plaintiffs' other  
14 discovery requests and thus any relevant, available information is now as equally accessible to  
15 Plaintiffs as it is to Defendants. Further, in providing this response, Defendants are defining  
16 "some" as "more than one" as suggested by Plaintiffs in their August 10, 2009 meet and confer  
17 letter. Subject to and without waiving the foregoing objections and qualifications, Defendants  
18 respond as follows:

19 ADMITTED on the following qualified basis: For some of the objects (meaning more  
20 than one) associated with the master bundle records referenced in the first two columns of Exhibit  
21 A, one step in the process for generating the object was to refresh an existing environment  
22 specific to TomorrowNow's retrofit support of specific TomorrowNow customers and to signify  
23 that environment by including "rep" in its name. To the extent not admitted, this request is  
24 DENIED.

25 **REQUEST FOR ADMISSION NO. 519:**

26 Admit that for at least one Fix or Update listed in the first two columns of Exhibit A, one  
27 step in the process of generating that Fix or Update was to make a Copy of an existing "extended  
28 support environment" (as the term is used in Requests Nos. 508-511), and label the Copy as a

1 “REP” Environment.

2 **RESPONSE TO REQUEST FOR ADMISSION NO. 519:**

3 Defendants object to this request on the grounds stated in the General Objections and  
4 Responses. Defendants’ response is based solely on Defendant TomorrowNow’s knowledge with  
5 respect to the information sought in this request because Defendants SAP AG and SAP America  
6 have no additional knowledge separate and apart from the information provided by Defendant  
7 TomorrowNow in this response. Defendants object to the request because the terms “Fix,”  
8 “Update,” “generating,” “make,” “copy,” “extended support environment,” “‘REP’ environment,”  
9 and “environment” are capable of multiple meanings and thus, make this request vague and  
10 ambiguous. Further, Exhibit A lists the names of master bundles as that term was used by  
11 TomorrowNow in the SAS database. The master bundles are not the actual objects that are  
12 developed for TomorrowNow customers. Master bundles and master fixes are records that  
13 simply identify problems for which TomorrowNow generally developed objects to resolve. The  
14 object development often took place at the release level, source level, and customer level. If this  
15 request is actually asking for information related to each and every object TomorrowNow  
16 developed, this number is more in line with the 33,185 listed in Plaintiffs’ Exhibit D to Plaintiffs’  
17 Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To  
18 respond to this question, Defendants would have to analyze each individual object in each fix or  
19 update contained within each master bundle. Defendants, therefore, object to this request as  
20 compound and unduly burdensome in that this request seeks information and activities that (1)  
21 involved many thousands of objects, (2) involved numerous employees, (3) took place over  
22 several years, and (4) would require Defendants to review substantial business records to  
23 determine an answer, if possible, for each of the numerous numbers of objects contained within  
24 the fixes and updates, and Defendants’ burden in doing so would be substantially similar to the  
25 burden for Plaintiffs to do so given that the available information is at least as equally accessible  
26 to Plaintiffs as it is to Defendants. Defendants also object to the term “extended support  
27 environment” (as the term is used in Request Nos. 508-511) for the reasons stated in Defendants’  
28 objections to Request Nos. 508-511.

1 Subject to the General Objections and Responses and these specific objections, after a  
2 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
3 sufficient knowledge and information to either admit or deny these requests, as the information  
4 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
5 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

6 **AMENDED REQUEST FOR ADMISSION NO. 519:**

7 Admit that for at least one Fix or Update listed in the first two columns of Exhibit A, one  
8 step in the process of generating that Fix or Update was to make a Copy of an existing Generic  
9 Environment, and label the Copy as a "REP" Environment.

10 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 519:**

11 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
12 General Objections noted above. Defendants' response is based solely on Defendant  
13 TomorrowNow's knowledge with respect to the information sought in this request because  
14 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
15 information provided by Defendant TomorrowNow in this response. Defendants object to the  
16 request because the terms "fix," "update," "generating," "make," "copy," "generic environment,"  
17 and "'REP' environment" make this request overly broad, vague and ambiguous. "Generic  
18 Environment" is a term created by Plaintiffs and as used and defined by Plaintiffs is misleading  
19 by attempting to suggest that any such environment or environment component was not used for  
20 limited customers, scope or purpose. Defendants further object to the definition of "Generic  
21 Environment" to the extent it incorporates the overly broad, unduly burdensome, and vague term  
22 "environment," to which Defendants object above. Further, Exhibit A lists the names of "master  
23 bundles" as that phrase was used by TomorrowNow in the SAS database. TomorrowNow's  
24 "master bundles" are not the actual objects included in fixes or updates that are developed for  
25 TomorrowNow's customers. "Master bundles" and "master fixes" are records that describe the  
26 issue to be addressed and then serve as a record keeping device and reference for that issue and  
27 related activity TomorrowNow undertook to address that issue. The actual development of  
28 customer-specific objects included in customer-specific fixes and updates was referenced to a

1 “master bundle” or “master fix” record for identification and record keeping purposes. Thus, if  
2 this request seeks an admission related to each and every object related to each and every  
3 customer-specific fix or update that TomorrowNow developed, then this single request  
4 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
5 impermissibly seek regarding the 33,185 objects listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third  
6 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
7 intent of this request, then to respond to this request, Defendants would have to analyze each  
8 individual object in each fix or update contained within each master bundle. Defendants,  
9 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
10 because it seeks an admission regarding thousands of separate activities that (1) involved many  
11 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
12 would require Defendants to review enormous volumes of business records to attempt to  
13 determine an answer, if possible, for each of the numerous objects contained within the  
14 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
15 Defendants’ burden associated with responding to this request is substantially similar to the  
16 burden for Plaintiffs to obtain the information sought through this request, especially because the  
17 available documents, data and other information from which the answer, if any, could be derived  
18 in response to this request have been produced by Defendants in response to Plaintiffs’ other  
19 discovery requests and thus any relevant, available information is now as equally accessible to  
20 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
21 qualifications, Defendants respond as follows:

22 ADMITTED on the following qualified basis: For at least one of the objects associated  
23 with the master bundle records referenced in the first two columns of Exhibit A, one step in the  
24 process for generating the object was to refresh an existing environment specific to  
25 TomorrowNow’s retrofit support of specific TomorrowNow customers and to signify that  
26 environment by including “rep” in its name. To the extent not admitted, this request is DENIED.

27 **REQUEST FOR ADMISSION NO. 520:**

28 Admit that for each Fix or Update listed in the first two columns of Exhibit A, one step in

1 the process of generating that Fix or Update was to use the “REP” Environment (as the term is  
2 used in Requests Nos. 516-519) to attempt to replicate the legislative and regulatory issues  
3 identified by PeopleSoft or Oracle in the tax Update acquired by TN, to the extent TN determined  
4 an issue should be replicated.

5 **RESPONSE TO REQUEST FOR ADMISSION NO. 520:**

6 Defendants object to this request on the grounds stated in the General Objections and  
7 Responses. Defendants’ response is based solely on Defendant TomorrowNow’s knowledge with  
8 respect to the information sought in this request because Defendants SAP AG and SAP America  
9 have no additional knowledge separate and apart from the information provided by Defendant  
10 TomorrowNow in this response. Defendants object to the request because the terms “Fix,”  
11 “Update,” “generating,” “use,” “replicate,” and “ ‘REP’ environment” are capable of multiple  
12 meanings and thus, make this request vague and ambiguous. Defendants object that the phrase  
13 “legislative and regulatory issues identified by PeopleSoft or Oracle in the tax update acquired by  
14 TN” is vague and ambiguous. Further, Exhibit A lists the names of master bundles as that term  
15 was used by TomorrowNow in the SAS database. The master bundles are not the actual objects  
16 that are developed for TomorrowNow customers. Master bundles and master fixes are records  
17 that simply identify problems for which TomorrowNow generally developed objects to resolve.  
18 The object development often took place at the release level, source level, and customer level. If  
19 this request is actually asking for information related to each and every object TomorrowNow  
20 developed, this number is more in line with the 33,185 listed in Plaintiffs’ Exhibit D to Plaintiffs’  
21 Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To  
22 respond to this question, Defendants would have to analyze each individual object in each fix or  
23 update contained within each master bundle. Defendants, therefore, object to this request as  
24 compound and unduly burdensome in that this request seeks information and activities that (1)  
25 involved many thousands of objects, (2) involved numerous employees, (3) took place over  
26 several years, and (4) would require Defendants to review substantial business records to  
27 determine an answer, if possible, for each of the numerous numbers of objects contained within  
28 the fixes and updates, and Defendants’ burden in doing so would be substantially similar to the



1 burden for Plaintiffs to do so given that the available information is at least as equally accessible  
2 to Plaintiffs as it is to Defendants. Defendants also object to the terms “extended support  
3 environment” and “‘REP’ Environment” (as the terms were used in Request Nos. 508-511 and  
4 516-519) for the reasons stated in Defendants’ objections to Request Nos. 508-511 and 516-519.

5 Subject to the General Objections and Responses and these specific objections, after a  
6 reasonable inquiry and based on Defendants’ understanding of these questions, Defendants lack  
7 sufficient knowledge and information to either admit or deny these requests, as the information  
8 sought was not tracked, recorded, or maintained by TomorrowNow in a “readily obtainable  
9 manner.” Based on all of the reasons and objections stated above, these requests are DENIED.

10 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 520:**

11 Defendants incorporate by reference, as if fully set forth herein, all of Defendants’  
12 General Objections noted above. Defendants’ response is based solely on Defendant  
13 TomorrowNow’s knowledge with respect to the information sought in this request because  
14 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
15 information provided by Defendant TomorrowNow in this response. Defendants object to the  
16 request because the terms “fix,” “update,” “generating,” “use,” “replicate,” and “‘REP’  
17 environment” make this request overly broad, vague and ambiguous. Defendants also object to  
18 the terms “generic environment” and “‘REP’ Environment” (as the terms were used in Request  
19 Nos. 508-511 and 516-519) for the reasons stated in Defendants’ objections to Request Nos. 508-  
20 511 and 516-519. Defendants object that the phrase “legislative and regulatory issues identified  
21 by PeopleSoft or Oracle in the tax update acquired by TN” is overly broad, vague and ambiguous.  
22 Further, Exhibit A lists the names of “master bundles” as that phrase was used by TomorrowNow  
23 in the SAS database. TomorrowNow’s “master bundles” are not the actual objects included in  
24 fixes or updates that are developed for TomorrowNow’s customers. “Master bundles” and  
25 “master fixes” are records that describe the issue to be addressed and then serve as a record  
26 keeping device and reference for that issue and related activity TomorrowNow undertook to  
27 address that issue. The actual development of customer-specific objects included in customer-  
28 specific fixes and updates was referenced to a “master bundle” or “master fix” record for

1 identification and record keeping purposes. Thus, if this request seeks an admission related to  
2 each and every object related to each and every customer-specific fix or update that  
3 TomorrowNow developed, then this single request impermissibly seeks literally thousands of  
4 admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects  
5 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG,  
6 SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
7 request, Defendants would have to analyze each individual object in each fix or update contained  
8 within each master bundle. Defendants, therefore, object on the basis that this request is  
9 compound, overly broad and unduly burdensome because it seeks an admission regarding  
10 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
11 numerous employees, (3) took place over several years, and (4) would require Defendants to  
12 review enormous volumes of business records to attempt to determine an answer, if possible, for  
13 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
14 Defendants object to this request on the basis that Defendants' burden associated with responding  
15 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
16 through this request, especially because the available documents, data and other information from  
17 which the answer, if any, could be derived in response to this request have been produced by  
18 Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available  
19 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and  
20 without waiving the foregoing objections and qualifications, Defendants respond as follows:

21 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
22 information Defendants currently know or can readily obtain, Defendants have insufficient  
23 information to admit or deny this request.

24 **REQUEST FOR ADMISSION NO. 521:**

25 Admit that for the majority of Fixes or Updates listed in the first two columns of Exhibit  
26 A, one step in the process of generating that Fix or Update was to use the "REP" Environment (as  
27 the term is used in Requests Nos. 516-519) to attempt to replicate the legislative and regulatory  
28 issues identified by PeopleSoft or Oracle in the tax Update acquired by TN, to the extent TN

1 determined an issue should be replicated.

2 **RESPONSE TO REQUEST FOR ADMISSION NO. 521:**

3 Defendants object to this request on the grounds stated in the General Objections and  
4 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
5 respect to the information sought in this request because Defendants SAP AG and SAP America  
6 have no additional knowledge separate and apart from the information provided by Defendant  
7 TomorrowNow in this response. Defendants object to the request because the terms "Fix(es),"  
8 "Updates," "majority," "generating," "use," "replicate," and "'REP' environment" are capable of  
9 multiple meanings and thus, make this request vague and ambiguous. Defendants object that the  
10 phrase "legislative and regulatory issues identified by PeopleSoft or Oracle in the tax update  
11 acquired by TN" is vague and ambiguous. Further, Exhibit A lists the names of master bundles as  
12 that term was used by TomorrowNow in the SAS database. The master bundles are not the actual  
13 objects that are developed for TomorrowNow customers. Master bundles and master fixes are  
14 records that simply identify problems for which TomorrowNow generally developed objects to  
15 resolve. The object development often took place at the release level, source level, and customer  
16 level. If this request is actually asking for information related to each and every object  
17 TomorrowNow developed, this number is more in line with the 33,185 listed in Plaintiffs' Exhibit  
18 D to Plaintiffs' Third Set of Requests for Admissions to SAP AG, SAP America, and  
19 TomorrowNow. To respond to this question, Defendants would have to analyze each individual  
20 object in each fix or update contained within each master bundle. Defendants, therefore, object to  
21 this request as compound and unduly burdensome in that this request seeks information and  
22 activities that (1) involved many thousands of objects, (2) involved numerous employees, (3) took  
23 place over several years, and (4) would require Defendants to review substantial business records  
24 to determine an answer, if possible, for each of the numerous numbers of objects contained within  
25 the fixes and updates, and Defendants' burden in doing so would be substantially similar to the  
26 burden for Plaintiffs to do so given that the available information is at least as equally accessible  
27 to Plaintiffs as it is to Defendants. Defendants also object to the terms "extended support  
28 environment" and "'REP' Environment" (as the terms were used in Request Nos. 508-511 and

1 516-519) for the reasons stated in Defendants' objections to Request Nos. 508-511 and 516-519.

2 Subject to the General Objections and Responses and these specific objections, after a  
3 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
4 sufficient knowledge and information to either admit or deny these requests, as the information  
5 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
6 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

7 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 521:**

8 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
9 General Objections noted above. Defendants' response is based solely on Defendant  
10 TomorrowNow's knowledge with respect to the information sought in this request because  
11 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
12 information provided by Defendant TomorrowNow in this response. Defendants object to the  
13 request because the terms "fix," "update," "generating," "use," "replicate," and "REP'  
14 environment" make this request overly broad, vague and ambiguous. Defendants also object to  
15 the terms "generic environment" and "REP' Environment" (as the terms were used in Request  
16 Nos. 508-511 and 516-519) for the reasons stated in Defendants' objections to Request Nos. 508-  
17 511 and 516-519. Defendants object that the phrase "legislative and regulatory issues identified  
18 by PeopleSoft or Oracle in the tax update acquired by TN" is overly broad, vague and ambiguous.  
19 Further, Exhibit A lists the names of "master bundles" as that phrase was used by TomorrowNow  
20 in the SAS database. TomorrowNow's "master bundles" are not the actual objects included in  
21 fixes or updates that are developed for TomorrowNow's customers. "Master bundles" and  
22 "master fixes" are records that describe the issue to be addressed and then serve as a record  
23 keeping device and reference for that issue and related activity TomorrowNow undertook to  
24 address that issue. The actual development of customer-specific objects included in customer-  
25 specific fixes and updates was referenced to a "master bundle" or "master fix" record for  
26 identification and record keeping purposes. Thus, if this request seeks an admission related to  
27 each and every object related to each and every customer-specific fix or update that  
28 TomorrowNow developed, then this single request impermissibly seeks literally thousands of

1 admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects  
2 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG,  
3 SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
4 request, Defendants would have to analyze each individual object in each fix or update contained  
5 within each master bundle. Defendants, therefore, object on the basis that this request is  
6 compound, overly broad and unduly burdensome because it seeks an admission regarding  
7 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
8 numerous employees, (3) took place over several years, and (4) would require Defendants to  
9 review enormous volumes of business records to attempt to determine an answer, if possible, for  
10 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
11 Defendants object to this request on the basis that Defendants' burden associated with responding  
12 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
13 through this request, especially because the available documents, data and other information from  
14 which the answer, if any, could be derived in response to this request have been produced by  
15 Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available  
16 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and  
17 without waiving the foregoing objections and qualifications, Defendants respond as follows:

18 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
19 information Defendants currently know or can readily obtain, Defendants have insufficient  
20 information to admit or deny this request.

21 **REQUEST FOR ADMISSION NO. 522:**

22 Admit that for some Fixes or Updates listed in the first two columns of Exhibit A, one  
23 step in the process of generating that Fix or Update was to use the "REP" Environment (as the  
24 term is used in Requests Nos. 516-519) to attempt to replicate the legislative and regulatory issues  
25 identified by PeopleSoft or Oracle in the tax Update acquired by TN, to the extent TN determined  
26 an issue should be replicated.

27 **RESPONSE TO REQUEST FOR ADMISSION NO. 522:**

28 Defendants object to this request on the grounds stated in the General Objections and

1 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
2 respect to the information sought in this request because Defendants SAP AG and SAP America  
3 have no additional knowledge separate and apart from the information provided by Defendant  
4 TomorrowNow in this response. Defendants object to the request because the terms "Fix(es),"  
5 "Updates," "generating," "use," "replicate," "some" and "'REP' environment" are capable of  
6 multiple meanings and thus, make this request vague and ambiguous. Defendants object that the  
7 phrase "legislative and regulatory issues identified by PeopleSoft or Oracle in the tax update  
8 acquired by TN" is vague and ambiguous. Further, Exhibit A lists the names of master bundles as  
9 that term was used by TomorrowNow in the SAS database. The master bundles are not the actual  
10 objects that are developed for TomorrowNow customers. Master bundles and master fixes are  
11 records that simply identify problems for which TomorrowNow generally developed objects to  
12 resolve. The object development often took place at the release level, source level, and customer  
13 level. If this request is actually asking for information related to each and every object  
14 TomorrowNow developed, this number is more in line with the 33,185 listed in Plaintiffs' Exhibit  
15 D to Plaintiffs' Third Set of Requests for Admissions to SAP AG, SAP America, and  
16 TomorrowNow. To respond to this question, Defendants would have to analyze each individual  
17 object in each fix or update contained within each master bundle. Defendants, therefore, object to  
18 this request as compound and unduly burdensome in that this request seeks information and  
19 activities that (1) involved many thousands of objects, (2) involved numerous employees, (3) took  
20 place over several years, and (4) would require Defendants to review substantial business records  
21 to determine an answer, if possible, for each of the numerous numbers of objects contained within  
22 the fixes and updates, and Defendants' burden in doing so would be substantially similar to the  
23 burden for Plaintiffs to do so given that the available information is at least as equally accessible  
24 to Plaintiffs as it is to Defendants. Defendants also object to the terms "extended support  
25 environment" and "'REP' Environment" (as the terms were used in Request Nos. 508-511 and  
26 516-519) for the reasons stated in Defendants' objections to Request Nos. 508-511 and 516-519.

27 Subject to the General Objections and Responses and these specific objections, after a  
28 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack

1 sufficient knowledge and information to either admit or deny these requests, as the information  
2 sought was not tracked, recorded, or maintained by TomorrowNow in a “readily obtainable  
3 manner.” Based on all of the reasons and objections stated above, these requests are DENIED.

4 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 522:**

5 Defendants incorporate by reference, as if fully set forth herein, all of Defendants’  
6 General Objections noted above. Defendants’ response is based solely on Defendant  
7 TomorrowNow’s knowledge with respect to the information sought in this request because  
8 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
9 information provided by Defendant TomorrowNow in this response. Defendants object to the  
10 request because the terms “fix,” “update,” “generating,” “use,” “replicate,” and ““REP’  
11 environment” make this request overly broad, vague and ambiguous. Defendants also object to  
12 the terms “generic environment” and ““REP’ Environment” (as the terms were used in Request  
13 Nos. 508-511 and 516-519) for the reasons stated in Defendants’ objections to Request Nos. 508-  
14 511 and 516-519. Defendants object that the phrase “legislative and regulatory issues identified  
15 by PeopleSoft or Oracle in the tax update acquired by TN” is overly broad, vague and ambiguous.  
16 Further, Exhibit A lists the names of “master bundles” as that phrase was used by TomorrowNow  
17 in the SAS database. TomorrowNow’s “master bundles” are not the actual objects included in  
18 fixes or updates that are developed for TomorrowNow’s customers. “Master bundles” and  
19 “master fixes” are records that describe the issue to be addressed and then serve as a record  
20 keeping device and reference for that issue and related activity TomorrowNow undertook to  
21 address that issue. The actual development of customer-specific objects included in customer-  
22 specific fixes and updates was referenced to a “master bundle” or “master fix” record for  
23 identification and record keeping purposes. Thus, if this request seeks an admission related to  
24 each and every object related to each and every customer-specific fix or update that  
25 TomorrowNow developed, then this single request impermissibly seeks literally thousands of  
26 admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects  
27 listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for Admissions to SAP AG,  
28 SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this

1 request, Defendants would have to analyze each individual object in each fix or update contained  
2 within each master bundle. Defendants, therefore, object on the basis that this request is  
3 compound, overly broad and unduly burdensome because it seeks an admission regarding  
4 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
5 numerous employees, (3) took place over several years, and (4) would require Defendants to  
6 review enormous volumes of business records to attempt to determine an answer, if possible, for  
7 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
8 Defendants object to this request on the basis that Defendants' burden associated with responding  
9 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
10 through this request, especially because the available documents, data and other information from  
11 which the answer, if any, could be derived in response to this request have been produced by  
12 Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available  
13 information is now as equally accessible to Plaintiffs as it is to Defendants. Further, in providing  
14 this response, Defendants are defining "some" as "more than one" as suggested by Plaintiffs in  
15 their August 10, 2009 meet and confer letter. Subject to and without waiving the foregoing  
16 objections and qualifications, Defendants respond as follows:

17 ADMITTED on the following qualified basis: For some of the objects (meaning more  
18 than one) associated with the master bundle records referenced in the first two columns of Exhibit  
19 A, one step in the process for generating the object, to the extent a TomorrowNow employee  
20 determined an issue should be replicated, was to use an environment specific to TomorrowNow's  
21 retrofit support of specific TomorrowNow customers with "rep" in its name to attempt to  
22 replicate one of the issues in the posted PeopleSoft tax update. To the extent not admitted, this  
23 request is DENIED.

24 **REQUEST FOR ADMISSION NO. 523:**

25 Admit that for at least one Fix or Update listed in the first two columns of Exhibit A, one  
26 step in the process of generating that Fix or Update was to use the "REP" Environment (as the  
27 term is used in Requests Nos. 516-519) to attempt to replicate the legislative and regulatory issues  
28 identified by PeopleSoft or Oracle in the tax Update acquired by TN, to the extent TN determined



1 an issue should be replicated.

2 **RESPONSE TO REQUEST FOR ADMISSION NO. 523:**

3 Defendants object to this request on the grounds stated in the General Objections and  
4 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
5 respect to the information sought in this request because Defendants SAP AG and SAP America  
6 have no additional knowledge separate and apart from the information provided by Defendant  
7 TomorrowNow in this response. Defendants object to the request because the terms "Fix,"  
8 "Update," "generating," "use," "replicate," and "'REP' environment" are capable of multiple  
9 meanings and thus, make this request vague and ambiguous. Defendants object that the phrase  
10 "legislative and regulatory issues identified by PeopleSoft or Oracle in the tax update acquired by  
11 TN" is vague and ambiguous. Further, Exhibit A lists the names of master bundles as that term  
12 was used by TomorrowNow in the SAS database. The master bundles are not the actual objects  
13 that are developed for TomorrowNow customers. Master bundles and master fixes are records  
14 that simply identify problems for which TomorrowNow generally developed objects to resolve.  
15 The object development often took place at the release level, source level, and customer level. If  
16 this request is actually asking for information related to each and every object TomorrowNow  
17 developed, this number is more in line with the 33,185 listed in Plaintiffs' Exhibit D to Plaintiffs'  
18 Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To  
19 respond to this question, Defendants would have to analyze each individual object in each fix or  
20 update contained within each master bundle. Defendants, therefore, object to this request as  
21 compound and unduly burdensome in that this request seeks information and activities that (1)  
22 involved many thousands of objects, (2) involved numerous employees, (3) took place over  
23 several years, and (4) would require Defendants to review substantial business records to  
24 determine an answer, if possible, for each of the numerous numbers of objects contained within  
25 the fixes and updates, and Defendants' burden in doing so would be substantially similar to the  
26 burden for Plaintiffs to do so given that the available information is at least as equally accessible  
27 to Plaintiffs as it is to Defendants. Defendants also object to the terms "extended support  
28 environment" and "'REP' Environment" (as the terms were used in Request Nos. 508-511 and

1 516-519) for the reasons stated in Defendants' objections to Request Nos. 508-511 and 516-519.

2 Subject to the General Objections and Responses and these specific objections, after a  
3 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
4 sufficient knowledge and information to either admit or deny these requests, as the information  
5 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
6 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

7 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 523:**

8 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
9 General Objections noted above. Defendants' response is based solely on Defendant  
10 TomorrowNow's knowledge with respect to the information sought in this request because  
11 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
12 information provided by Defendant TomorrowNow in this response. Defendants object to the  
13 request because the terms "fix," "update," "generating," "use," "replicate," and "'REP'  
14 environment" make this request overly broad, vague and ambiguous. Defendants also object to  
15 the terms "generic environment" and "'REP' Environment" (as the terms were used in Request  
16 Nos. 508-511 and 516-519) for the reasons stated in Defendants' objections to Request Nos. 508-  
17 511 and 516-519. Defendants object that the phrase "legislative and regulatory issues identified  
18 by PeopleSoft or Oracle in the tax update acquired by TN" is overly broad, vague and ambiguous.  
19 Further, Exhibit A lists the names of "master bundles" as that phrase was used by TomorrowNow  
20 in the SAS database. TomorrowNow's "master bundles" are not the actual objects included in  
21 fixes or updates that are developed for TomorrowNow's customers. "Master bundles" and  
22 "master fixes" are records that describe the issue to be addressed and then serve as a record  
23 keeping device and reference for that issue and related activity TomorrowNow undertook to  
24 address that issue. The actual development of customer-specific objects included in customer-  
25 specific fixes and updates was referenced to a "master bundle" or "master fix" record for  
26 identification and record keeping purposes. Thus, if this request seeks an admission related to  
27 each and every object related to each and every customer-specific fix or update that  
28 TomorrowNow developed, then this single request impermissibly seeks literally thousands of

1 admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects  
2 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG,  
3 SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
4 request, Defendants would have to analyze each individual object in each fix or update contained  
5 within each master bundle. Defendants, therefore, object on the basis that this request is  
6 compound, overly broad and unduly burdensome because it seeks an admission regarding  
7 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
8 numerous employees, (3) took place over several years, and (4) would require Defendants to  
9 review enormous volumes of business records to attempt to determine an answer, if possible, for  
10 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
11 Defendants object to this request on the basis that Defendants' burden associated with responding  
12 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
13 through this request, especially because the available documents, data and other information from  
14 which the answer, if any, could be derived in response to this request have been produced by  
15 Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available  
16 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and  
17 without waiving the foregoing objections and qualifications, Defendants respond as follows:

18 ADMITTED on the following qualified basis: For at least one of the objects associated  
19 with the master bundle records referenced in the first two columns of Exhibit A, one step in the  
20 process for generating the object, to the extent a TomorrowNow employee determined an issue  
21 should be replicated, was to use an environment specific to TomorrowNow's retrofit support of  
22 specific TomorrowNow customers with "rep" in its name to attempt to replicate one of the issues  
23 in the posted PeopleSoft tax update. To the extent not admitted, this request is DENIED.

24 **REQUEST FOR ADMISSION NO. 524:**

25 Admit that for each Fix or Update listed in the first two columns of Exhibit A, one step in  
26 the process of generating that Fix or Update was to make a Copy of an existing "extended support  
27 environment" (as the term is used in Requests Nos. 508-511), and label the Copy as a "DEV"  
28 Environment.

**RESPONSE TO REQUEST FOR ADMISSION NO. 524:**

Defendants object to this request on the grounds stated in the General Objections and Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant TomorrowNow in this response. Defendants object to the request because the terms "Fix," "Update," "generating," "make," "copy," "extended support environment," "DEV environment," and "environment" are capable of multiple meanings and thus, make this request vague and ambiguous. Further, Exhibit A lists the names of master bundles as that term was used by TomorrowNow in the SAS database. The master bundles are not the actual objects that are developed for TomorrowNow customers. Master bundles and master fixes are records that simply identify problems for which TomorrowNow generally developed objects to resolve. The object development often took place at the release level, source level, and customer level. If this request is actually asking for information related to each and every object TomorrowNow developed, this number is more in line with the 33,185 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this question, Defendants would have to analyze each individual object in each fix or update contained within each master bundle. Defendants, therefore, object to this request as compound and unduly burdensome in that this request seeks information and activities that (1) involved many thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4) would require Defendants to review substantial business records to determine an answer, if possible, for each of the numerous numbers of objects contained within the fixes and updates, and Defendants' burden in doing so would be substantially similar to the burden for Plaintiffs to do so given that the available information is at least as equally accessible to Plaintiffs as it is to Defendants. Defendants also object to the term "extended support environment" (as the term is used in Request Nos. 508-511) for the reasons stated in Defendants' objections to Request Nos. 508-511.

Subject to the General Objections and Responses and these specific objections, after a

1 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
2 sufficient knowledge and information to either admit or deny these requests, as the information  
3 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
4 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

5 **AMENDED REQUEST FOR ADMISSION NO. 524:**

6 Admit that for each Fix or Update listed in the first two columns of Exhibit A, one step in  
7 the process of generating that Fix or Update was to make a Copy of an existing Generic  
8 Environment, and label the Copy as a "DEV" Environment.

9 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 524:**

10 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
11 General Objections noted above. Defendants' response is based solely on Defendant  
12 TomorrowNow's knowledge with respect to the information sought in this request because  
13 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
14 information provided by Defendant TomorrowNow in this response. Defendants object to the  
15 request because the terms "fix," "update," "generating," "make," "copy," "generic environment,"  
16 and "'DEV' environment" make this request overly broad, vague and ambiguous. "Generic  
17 Environment" is a term created by Plaintiffs and as used and defined by Plaintiffs is misleading  
18 by attempting to suggest that any such environment or environment component was not used for  
19 limited customers, scope or purpose. Defendants further object to the definition of "Generic  
20 Environment" to the extent it incorporates the overly broad, unduly burdensome, and vague term  
21 "environment," to which Defendants object above. Further, Exhibit A lists the names of "master  
22 bundles" as that phrase was used by TomorrowNow in the SAS database. TomorrowNow's  
23 "master bundles" are not the actual objects included in fixes or updates that are developed for  
24 TomorrowNow's customers. "Master bundles" and "master fixes" are records that describe the  
25 issue to be addressed and then serve as a record keeping device and reference for that issue and  
26 related activity TomorrowNow undertook to address that issue. The actual development of  
27 customer-specific objects included in customer-specific fixes and updates was referenced to a  
28 "master bundle" or "master fix" record for identification and record keeping purposes. Thus, if

1 this request seeks an admission related to each and every object related to each and every  
2 customer-specific fix or update that TomorrowNow developed, then this single request  
3 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
4 impermissibly seek regarding the 33,185 objects listed in Plaintiffs' Exhibit D to Plaintiffs' Third  
5 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
6 intent of this request, then to respond to this request, Defendants would have to analyze each  
7 individual object in each fix or update contained within each master bundle. Defendants,  
8 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
9 because it seeks an admission regarding thousands of separate activities that (1) involved many  
10 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
11 would require Defendants to review enormous volumes of business records to attempt to  
12 determine an answer, if possible, for each of the numerous objects contained within the  
13 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
14 Defendants' burden associated with responding to this request is substantially similar to the  
15 burden for Plaintiffs to obtain the information sought through this request, especially because the  
16 available documents, data and other information from which the answer, if any, could be derived  
17 in response to this request have been produced by Defendants in response to Plaintiffs' other  
18 discovery requests and thus any relevant, available information is now as equally accessible to  
19 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
20 qualifications, Defendants respond as follows:

21 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
22 information Defendants currently know or can readily obtain, Defendants have insufficient  
23 information to admit or deny this request.

24 **REQUEST FOR ADMISSION NO. 525:**

25 Admit that for the majority of Fixes or Updates listed in the first two columns of Exhibit  
26 A, one step in the process of generating that Fix or Update was to make a Copy of an existing  
27 "extended support environment" (as the term is used in Requests Nos. 508-511), and label the  
28 Copy as a "DEV" Environment.

**RESPONSE TO REQUEST FOR ADMISSION NO. 525:**

Defendants object to this request on the grounds stated in the General Objections and Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant TomorrowNow in this response. Defendants object to the request because the terms "Fix(es)," "Update," "majority," "generating," "make," "copy," "extended support environment," "DEV environment," and "environment" are capable of multiple meanings and thus, make this request vague and ambiguous. Further, Exhibit A lists the names of master bundles as that term was used by TomorrowNow in the SAS database. The master bundles are not the actual objects that are developed for TomorrowNow customers. Master bundles and master fixes are records that simply identify problems for which TomorrowNow generally developed objects to resolve. The object development often took place at the release level, source level, and customer level. If this request is actually asking for information related to each and every object TomorrowNow developed, this number is more in line with the 33,185 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this question, Defendants would have to analyze each individual object in each fix or update contained within each master bundle. Defendants, therefore, object to this request as compound and unduly burdensome in that this request seeks information and activities that (1) involved many thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4) would require Defendants to review substantial business records to determine an answer, if possible, for each of the numerous numbers of objects contained within the fixes and updates, and Defendants' burden in doing so would be substantially similar to the burden for Plaintiffs to do so given that the available information is at least as equally accessible to Plaintiffs as it is to Defendants. Defendants also object to the term "extended support environment" (as the term is used in Request Nos. 508-511) for the reasons stated in Defendants' objections to Request Nos. 508-511.

Subject to the General Objections and Responses and these specific objections, after a

1 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
2 sufficient knowledge and information to either admit or deny these requests, as the information  
3 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
4 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

5 **AMENDED REQUEST FOR ADMISSION NO. 525:**

6 Admit that for the majority of Fixes or Updates listed in the first two columns of Exhibit  
7 A, one step in the process of generating that Fix or Update was to make a Copy of an existing  
8 Generic Environment, and label the Copy as a "DEV" Environment.

9 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 525:**

10 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
11 General Objections noted above. Defendants' response is based solely on Defendant  
12 TomorrowNow's knowledge with respect to the information sought in this request because  
13 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
14 information provided by Defendant TomorrowNow in this response. Defendants object to the  
15 request because the terms "fix," "update," "generating," "make," "copy," "generic environment,"  
16 and "'DEV' environment" make this request overly broad, vague and ambiguous. "Generic  
17 Environment" is a term created by Plaintiffs and as used and defined by Plaintiffs is misleading  
18 by attempting to suggest that any such environment or environment component was not used for  
19 limited customers, scope or purpose. Defendants further object to the definition of "Generic  
20 Environment" to the extent it incorporates the overly broad, unduly burdensome, and vague term  
21 "environment," to which Defendants object above. Further, Exhibit A lists the names of "master  
22 bundles" as that phrase was used by TomorrowNow in the SAS database. TomorrowNow's  
23 "master bundles" are not the actual objects included in fixes or updates that are developed for  
24 TomorrowNow's customers. "Master bundles" and "master fixes" are records that describe the  
25 issue to be addressed and then serve as a record keeping device and reference for that issue and  
26 related activity TomorrowNow undertook to address that issue. The actual development of  
27 customer-specific objects included in customer-specific fixes and updates was referenced to a  
28 "master bundle" or "master fix" record for identification and record keeping purposes. Thus, if



1 this request seeks an admission related to each and every object related to each and every  
2 customer-specific fix or update that TomorrowNow developed, then this single request  
3 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
4 impermissibly seek regarding the 33,185 objects listed in Plaintiffs' Exhibit D to Plaintiffs' Third  
5 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
6 intent of this request, then to respond to this request, Defendants would have to analyze each  
7 individual object in each fix or update contained within each master bundle. Defendants,  
8 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
9 because it seeks an admission regarding thousands of separate activities that (1) involved many  
10 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
11 would require Defendants to review enormous volumes of business records to attempt to  
12 determine an answer, if possible, for each of the numerous objects contained within the  
13 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
14 Defendants' burden associated with responding to this request is substantially similar to the  
15 burden for Plaintiffs to obtain the information sought through this request, especially because the  
16 available documents, data and other information from which the answer, if any, could be derived  
17 in response to this request have been produced by Defendants in response to Plaintiffs' other  
18 discovery requests and thus any relevant, available information is now as equally accessible to  
19 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
20 qualifications, Defendants respond as follows:

21 ADMITTED on the following qualified basis: TomorrowNow reasonably believes that,  
22 for the majority of the objects (meaning at least one object more than half of the total objects)  
23 associated with the master bundle records referenced in the first two columns of Exhibit A, one  
24 step in the process for generating the object was to refresh an existing environment specific to  
25 TomorrowNow's retrofit support of specific TomorrowNow customers and to signify that  
26 environment by including "dev" in its name. To the extent not admitted, this request is DENIED.

27 **REQUEST FOR ADMISSION NO. 526:**

28 Admit that for some Fixes or Updates listed in the first two columns of Exhibit A, one

1 step in the process of generating that Fix or Update was to make a Copy of an existing “extended  
2 support environment” (as the term is used in Requests Nos. 508-511), and label the Copy as a  
3 “DEV” Environment.

4 **RESPONSE TO REQUEST FOR ADMISSION NO. 526:**

5 Defendants object to this request on the grounds stated in the General Objections and  
6 Responses. Defendants’ response is based solely on Defendant TomorrowNow’s knowledge with  
7 respect to the information sought in this request because Defendants SAP AG and SAP America  
8 have no additional knowledge separate and apart from the information provided by Defendant  
9 TomorrowNow in this response. Defendants object to the request because the terms “Fix,”  
10 “Update,” “generating,” “make,” “copy,” “extended support environment,” “some,” ““DEV”  
11 environment,” and “environment” are capable of multiple meanings and thus, make this request  
12 vague and ambiguous. Further, Exhibit A lists the names of master bundles as that term was used  
13 by TomorrowNow in the SAS database. The master bundles are not the actual objects that are  
14 developed for TomorrowNow customers. Master bundles and master fixes are records that  
15 simply identify problems for which TomorrowNow generally developed objects to resolve. The  
16 object development often took place at the release level, source level, and customer level. If this  
17 request is actually asking for information related to each and every object TomorrowNow  
18 developed, this number is more in line with the 33,185 listed in Plaintiffs’ Exhibit D to Plaintiffs’  
19 Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To  
20 respond to this question, Defendants would have to analyze each individual object in each fix or  
21 update contained within each master bundle. Defendants, therefore, object to this request as  
22 compound and unduly burdensome in that this request seeks information and activities that (1)  
23 involved many thousands of objects, (2) involved numerous employees, (3) took place over  
24 several years, and (4) would require Defendants to review substantial business records to  
25 determine an answer, if possible, for each of the numerous numbers of objects contained within  
26 the fixes and updates, and Defendants’ burden in doing so would be substantially similar to the  
27 burden for Plaintiffs to do so given that the available information is at least as equally accessible  
28 to Plaintiffs as it is to Defendants. Defendants also object to the term “extended support

1 environment” (as the term is used in Request Nos. 508-511) for the reasons stated in Defendants’  
2 objections to Request Nos. 508-511.

3 Subject to the General Objections and Responses and these specific objections, after a  
4 reasonable inquiry and based on Defendants’ understanding of these questions, Defendants lack  
5 sufficient knowledge and information to either admit or deny these requests, as the information  
6 sought was not tracked, recorded, or maintained by TomorrowNow in a “readily obtainable  
7 manner.” Based on all of the reasons and objections stated above, these requests are DENIED.

8 **AMENDED REQUEST FOR ADMISSION NO. 526:**

9 Admit that for some Fixes or Updates listed in the first two columns of Exhibit A, one  
10 step in the process of generating that Fix or Update was to make a Copy of an existing Generic  
11 Environment, and label the Copy as a “DEV” Environment.

12 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 526:**

13 Defendants incorporate by reference, as if fully set forth herein, all of Defendants’  
14 General Objections noted above. Defendants’ response is based solely on Defendant  
15 TomorrowNow’s knowledge with respect to the information sought in this request because  
16 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
17 information provided by Defendant TomorrowNow in this response. Defendants object to the  
18 request because the terms “fix,” “update,” “generating,” “make,” “copy,” “generic environment,”  
19 and “‘DEV’ environment” make this request overly broad, vague and ambiguous. “Generic  
20 Environment” is a term created by Plaintiffs and as used and defined by Plaintiffs is misleading  
21 by attempting to suggest that any such environment or environment component was not used for  
22 limited customers, scope or purpose. Defendants further object to the definition of “Generic  
23 Environment” to the extent it incorporates the overly broad, unduly burdensome, and vague term  
24 “environment,” to which Defendants object above. Further, Exhibit A lists the names of “master  
25 bundles” as that phrase was used by TomorrowNow in the SAS database. TomorrowNow’s  
26 “master bundles” are not the actual objects included in fixes or updates that are developed for  
27 TomorrowNow’s customers. “Master bundles” and “master fixes” are records that describe the  
28 issue to be addressed and then serve as a record keeping device and reference for that issue and

1 related activity TomorrowNow undertook to address that issue. The actual development of  
2 customer-specific objects included in customer-specific fixes and updates was referenced to a  
3 “master bundle” or “master fix” record for identification and record keeping purposes. Thus, if  
4 this request seeks an admission related to each and every object related to each and every  
5 customer-specific fix or update that TomorrowNow developed, then this single request  
6 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
7 impermissibly seek regarding the 33,185 objects listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third  
8 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
9 intent of this request, then to respond to this request, Defendants would have to analyze each  
10 individual object in each fix or update contained within each master bundle. Defendants,  
11 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
12 because it seeks an admission regarding thousands of separate activities that (1) involved many  
13 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
14 would require Defendants to review enormous volumes of business records to attempt to  
15 determine an answer, if possible, for each of the numerous objects contained within the  
16 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
17 Defendants’ burden associated with responding to this request is substantially similar to the  
18 burden for Plaintiffs to obtain the information sought through this request, especially because the  
19 available documents, data and other information from which the answer, if any, could be derived  
20 in response to this request have been produced by Defendants in response to Plaintiffs’ other  
21 discovery requests and thus any relevant, available information is now as equally accessible to  
22 Plaintiffs as it is to Defendants. Further, in providing this response, Defendants are defining  
23 “some” as “more than one” as suggested by Plaintiffs in their August 10, 2009 meet and confer  
24 letter. Subject to and without waiving the foregoing objections and qualifications, Defendants  
25 respond as follows:

26 ADMITTED on the following qualified basis: For some of the objects (meaning more  
27 than one) associated with the master bundle records referenced in the first two columns of Exhibit  
28 A, one step in the process for generating the object was to refresh an existing environment

1 specific to TomorrowNow's retrofit support of specific TomorrowNow customers and to signify  
2 that environment by including "dev" in its name. To the extent not admitted, this request is  
3 DENIED.

4 **REQUEST FOR ADMISSION NO. 527:**

5 Admit that for at least one Fix or Update listed in the first two columns of Exhibit A, one  
6 step in the process of generating that Fix or Update was to make a Copy of an existing "extended  
7 support environment" (as the term is used in Requests Nos. 508-511), and label the Copy as a  
8 "DEV" Environment.

9 **RESPONSE TO REQUEST FOR ADMISSION NO. 527:**

10 Defendants object to this request on the grounds stated in the General Objections and  
11 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
12 respect to the information sought in this request because Defendants SAP AG and SAP America  
13 have no additional knowledge separate and apart from the information provided by Defendant  
14 TomorrowNow in this response. Defendants object to the request because the terms "Fix,"  
15 "Update," "generating," "make," "copy," "extended support environment," "DEV"  
16 environment," and "environment" are capable of multiple meanings and thus, make this request  
17 vague and ambiguous. Further, Exhibit A lists the names of master bundles as that term was used  
18 by TomorrowNow in the SAS database. The master bundles are not the actual objects that are  
19 developed for TomorrowNow customers. Master bundles and master fixes are records that  
20 simply identify problems for which TomorrowNow generally developed objects to resolve. The  
21 object development often took place at the release level, source level, and customer level. If this  
22 request is actually asking for information related to each and every object TomorrowNow  
23 developed, this number is more in line with the 33,185 listed in Plaintiffs' Exhibit D to Plaintiffs'  
24 Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To  
25 respond to this question, Defendants would have to analyze each individual object in each fix or  
26 update contained within each master bundle. Defendants, therefore, object to this request as  
27 compound and unduly burdensome in that this request seeks information and activities that (1)  
28 involved many thousands of objects, (2) involved numerous employees, (3) took place over

1 several years, and (4) would require Defendants to review substantial business records to  
2 determine an answer, if possible, for each of the numerous numbers of objects contained within  
3 the fixes and updates, and Defendants' burden in doing so would be substantially similar to the  
4 burden for Plaintiffs to do so given that the available information is at least as equally accessible  
5 to Plaintiffs as it is to Defendants. Defendants also object to the term "extended support  
6 environment" (as the term is used in Request Nos. 508-511) for the reasons stated in Defendants'  
7 objections to Request Nos. 508-511.

8 Subject to the General Objections and Responses and these specific objections, after a  
9 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
10 sufficient knowledge and information to either admit or deny these requests, as the information  
11 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
12 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

13 **AMENDED REQUEST FOR ADMISSION NO. 527:**

14 Admit that for at least one Fix or Update listed in the first two columns of Exhibit A, one  
15 step in the process of generating that Fix or Update was to make a Copy of an existing Generic  
16 Environment, and label the Copy as a "DEV" Environment.

17 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 527:**

18 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
19 General Objections noted above. Defendants' response is based solely on Defendant  
20 TomorrowNow's knowledge with respect to the information sought in this request because  
21 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
22 information provided by Defendant TomorrowNow in this response. Defendants object to the  
23 request because the terms "fix," "update," "generating," "make," "copy," "generic environment,"  
24 and "'DEV' environment" make this request overly broad, vague and ambiguous. "Generic  
25 Environment" is a term created by Plaintiffs and as used and defined by Plaintiffs is misleading  
26 by attempting to suggest that any such environment or environment component was not used for  
27 limited customers, scope or purpose. Defendants further object to the definition of "Generic  
28 Environment" to the extent it incorporates the overly broad, unduly burdensome, and vague term

1 “environment,” to which Defendants object above. Further, Exhibit A lists the names of “master  
2 bundles” as that phrase was used by TomorrowNow in the SAS database. TomorrowNow’s  
3 “master bundles” are not the actual objects included in fixes or updates that are developed for  
4 TomorrowNow’s customers. “Master bundles” and “master fixes” are records that describe the  
5 issue to be addressed and then serve as a record keeping device and reference for that issue and  
6 related activity TomorrowNow undertook to address that issue. The actual development of  
7 customer-specific objects included in customer-specific fixes and updates was referenced to a  
8 “master bundle” or “master fix” record for identification and record keeping purposes. Thus, if  
9 this request seeks an admission related to each and every object related to each and every  
10 customer-specific fix or update that TomorrowNow developed, then this single request  
11 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
12 impermissibly seek regarding the 33,185 objects listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third  
13 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
14 intent of this request, then to respond to this request, Defendants would have to analyze each  
15 individual object in each fix or update contained within each master bundle. Defendants,  
16 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
17 because it seeks an admission regarding thousands of separate activities that (1) involved many  
18 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
19 would require Defendants to review enormous volumes of business records to attempt to  
20 determine an answer, if possible, for each of the numerous objects contained within the  
21 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
22 Defendants’ burden associated with responding to this request is substantially similar to the  
23 burden for Plaintiffs to obtain the information sought through this request, especially because the  
24 available documents, data and other information from which the answer, if any, could be derived  
25 in response to this request have been produced by Defendants in response to Plaintiffs’ other  
26 discovery requests and thus any relevant, available information is now as equally accessible to  
27 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
28 qualifications, Defendants respond as follows:

1 ADMITTED on the following qualified basis: For at least one of the objects associated  
2 with the master bundle records referenced in the first two columns of Exhibit A, one step in the  
3 process for generating the object was to refresh an existing environment specific to  
4 TomorrowNow's retrofit support of specific TomorrowNow customers and to signify that  
5 environment by including "dev" in its name. To the extent not admitted, this request is DENIED.

6 **REQUEST FOR ADMISSION NO. 528:**

7 Admit that for each Fix or Update listed in the first two columns of Exhibit A, one step in  
8 the process of generating that Fix or Update was to use the "DEV" Environment (as the term is  
9 used in Requests Nos. 524-527) to Develop the changes which TN had determined through the  
10 replication process should be included in the Fix or Update, by modifying and/or creating each  
11 implicated Fix Object.

12 **RESPONSE TO REQUEST FOR ADMISSION NO. 528:**

13 Defendants object to this request on the grounds stated in the General Objections and  
14 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
15 respect to the information sought in this request because Defendants SAP AG and SAP America  
16 have no additional knowledge separate and apart from the information provided by Defendant  
17 TomorrowNow in this response. Defendants object to the request because the terms "Fix,"  
18 "Update," "generating," "use," "develop," and "'DEV' environment" are capable of multiple  
19 meanings and thus, make this request vague and ambiguous. Defendants object that the phrases  
20 "the changes which TN had determined through the replication process should be included in the  
21 fix or update" and "by modifying and/or creating each implicated fix object" as being subject to  
22 multiple meanings and, as such, being vague and ambiguous. Defendants object to the term "Fix  
23 Object" as overly broad, vague, and inaccurate to the extent it includes the phrase "discrete unit  
24 of code." Defendants respond as if the undefined term "object" was used in "Fix Object's" place.  
25 Further, Exhibit A lists the names of master bundles as that term was used by TomorrowNow in  
26 the SAS database. The master bundles are not the actual objects that are developed for  
27 TomorrowNow customers. Master bundles and master fixes are records that simply identify  
28 problems for which TomorrowNow generally developed objects to resolve. The object



1 development often took place at the release level, source level, and customer level. If this request  
2 is actually asking for information related to each and every object TomorrowNow developed, this  
3 number is more in line with the 33,185 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of  
4 Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this  
5 question, Defendants would have to analyze each individual object in each fix or update  
6 contained within each master bundle. Defendants, therefore, object to this request as compound  
7 and unduly burdensome in that this request seeks information and activities that (1) involved  
8 many thousands of objects, (2) involved numerous employees, (3) took place over several years,  
9 and (4) would require Defendants to review substantial business records to determine an answer,  
10 if possible, for each of the numerous numbers of objects contained within the fixes and updates,  
11 and Defendants' burden in doing so would be substantially similar to the burden for Plaintiffs to  
12 do so given that the available information is at least as equally accessible to Plaintiffs as it is to  
13 Defendants. Defendants also object to the terms "extended support environment" and "DEV'  
14 Environment" (as the terms were used in Request Nos. 508-511 and 524-527) for the reasons  
15 stated in Defendants' objections to Request Nos. 508-511 and 524-527.

16 Subject to the General Objections and Responses and these specific objections, after a  
17 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
18 sufficient knowledge and information to either admit or deny these requests, as the information  
19 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
20 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

21 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 528:**

22 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
23 General Objections noted above. Defendants' response is based solely on Defendant  
24 TomorrowNow's knowledge with respect to the information sought in this request because  
25 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
26 information provided by Defendant TomorrowNow in this response. Defendants object to the  
27 request because the terms "fix," "update," "generating," "use," and "DEV' environment" make  
28 this request overly broad, vague and ambiguous. Defendants also object to the terms "generic

1 environment” and “‘DEV’ Environment” (as the terms were used in Request Nos. 508-511 and  
2 524-527) for the reasons stated in Defendants’ objections to Request Nos. 508-511 and 524-527.  
3 Defendants object that the phrases “the changes which TN had determined through the replication  
4 process should be included in the fix or update” and “by modifying and/or creating each  
5 implicated fix object” as being subject to multiple meanings and, as such, being overly broad,  
6 vague and ambiguous. Further, Exhibit A lists the names of “master bundles” as that phrase was  
7 used by TomorrowNow in the SAS database. TomorrowNow’s “master bundles” are not the  
8 actual objects included in fixes or updates that are developed for TomorrowNow’s customers.  
9 “Master bundles” and “master fixes” are records that describe the issue to be addressed and then  
10 serve as a record keeping device and reference for that issue and related activity TomorrowNow  
11 undertook to address that issue. The actual development of customer-specific objects included in  
12 customer-specific fixes and updates was referenced to a “master bundle” or “master fix” record  
13 for identification and record keeping purposes. Thus, if this request seeks an admission related to  
14 each and every object related to each and every customer-specific fix or update that  
15 TomorrowNow developed, then this single request impermissibly seeks literally thousands of  
16 admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects  
17 listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for Admissions to SAP AG,  
18 SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
19 request, Defendants would have to analyze each individual object in each fix or update contained  
20 within each master bundle. Defendants, therefore, object on the basis that this request is  
21 compound, overly broad and unduly burdensome because it seeks an admission regarding  
22 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
23 numerous employees, (3) took place over several years, and (4) would require Defendants to  
24 review enormous volumes of business records to attempt to determine an answer, if possible, for  
25 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
26 Defendants object to this request on the basis that Defendants’ burden associated with responding  
27 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
28 through this request, especially because the available documents, data and other information from

1 which the answer, if any, could be derived in response to this request have been produced by  
2 Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available  
3 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and  
4 without waiving the foregoing objections and qualifications, Defendants respond as follows:

5 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
6 information Defendants currently know or can readily obtain, Defendants have insufficient  
7 information to admit or deny this request.

8 **REQUEST FOR ADMISSION NO. 529:**

9 Admit that for the majority of Fixes or Updates listed in the first two columns of Exhibit  
10 A, one step in the process of generating that Fix or Update was to use the "DEV" Environment  
11 (as the term is used in Requests Nos. 524-527) to Develop the changes which TN had determined  
12 through the replication process should be included in the Fix or Update, by modifying and/or  
13 creating each implicated Fix Object.

14 **RESPONSE TO REQUEST FOR ADMISSION NO. 529:**

15 Defendants object to this request on the grounds stated in the General Objections and  
16 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
17 respect to the information sought in this request because Defendants SAP AG and SAP America  
18 have no additional knowledge separate and apart from the information provided by Defendant  
19 TomorrowNow in this response. Defendants object to the request because the terms "Fix(es),"  
20 "Updates," "majority," "generating," "use," "develop," and "'DEV' environment" are capable of  
21 multiple meanings and thus, make this request vague and ambiguous. Defendants object that the  
22 phrases "the changes which TN had determined through the replication process should be  
23 included in the fix or update" and "by modifying and/or creating each implicated fix object" as  
24 being subject to multiple meanings and, as such, being vague and ambiguous. Defendants object  
25 to the term "Fix Object" as overly broad, vague, and inaccurate to the extent it includes the phrase  
26 "discrete unit of code." Defendants respond as if the undefined term "object" was used in "Fix  
27 Object's" place. Further, Exhibit A lists the names of master bundles as that term was used by  
28 TomorrowNow in the SAS database. The master bundles are not the actual objects that are

1 developed for TomorrowNow customers. Master bundles and master fixes are records that  
2 simply identify problems for which TomorrowNow generally developed objects to resolve. The  
3 object development often took place at the release level, source level, and customer level. If this  
4 request is actually asking for information related to each and every object TomorrowNow  
5 developed, this number is more in line with the 33,185 listed in Plaintiffs' Exhibit D to Plaintiffs'  
6 Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To  
7 respond to this question, Defendants would have to analyze each individual object in each fix or  
8 update contained within each master bundle. Defendants, therefore, object to this request as  
9 compound and unduly burdensome in that this request seeks information and activities that (1)  
10 involved many thousands of objects, (2) involved numerous employees, (3) took place over  
11 several years, and (4) would require Defendants to review substantial business records to  
12 determine an answer, if possible, for each of the numerous numbers of objects contained within  
13 the fixes and updates, and Defendants' burden in doing so would be substantially similar to the  
14 burden for Plaintiffs to do so given that the available information is at least as equally accessible  
15 to Plaintiffs as it is to Defendants. Defendants also object to the terms "extended support  
16 environment" and "'DEV' Environment" (as the terms were used in Request Nos. 508-511 and  
17 524-527) for the reasons stated in Defendants' objections to Request Nos. 508-511 and 524-527.

18 Subject to the General Objections and Responses and these specific objections, after a  
19 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
20 sufficient knowledge and information to either admit or deny these requests, as the information  
21 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
22 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

23 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 529:**

24 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
25 General Objections noted above. Defendants' response is based solely on Defendant  
26 TomorrowNow's knowledge with respect to the information sought in this request because  
27 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
28 information provided by Defendant TomorrowNow in this response. Defendants object to the

1 request because the terms “fix,” “update,” “generating,” “use,” and “‘DEV’ environment” make  
2 this request overly broad, vague and ambiguous. Defendants also object to the terms “generic  
3 environment” and “‘DEV’ Environment” (as the terms were used in Request Nos. 508-511 and  
4 524-527) for the reasons stated in Defendants’ objections to Request Nos. 508-511 and 524-527.  
5 Defendants object that the phrases “the changes which TN had determined through the replication  
6 process should be included in the fix or update” and “by modifying and/or creating each  
7 implicated fix object” as being subject to multiple meanings and, as such, being overly broad,  
8 vague and ambiguous. Further, Exhibit A lists the names of “master bundles” as that phrase was  
9 used by TomorrowNow in the SAS database. TomorrowNow’s “master bundles” are not the  
10 actual objects included in fixes or updates that are developed for TomorrowNow’s customers.  
11 “Master bundles” and “master fixes” are records that describe the issue to be addressed and then  
12 serve as a record keeping device and reference for that issue and related activity TomorrowNow  
13 undertook to address that issue. The actual development of customer-specific objects included in  
14 customer-specific fixes and updates was referenced to a “master bundle” or “master fix” record  
15 for identification and record keeping purposes. Thus, if this request seeks an admission related to  
16 each and every object related to each and every customer-specific fix or update that  
17 TomorrowNow developed, then this single request impermissibly seeks literally thousands of  
18 admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects  
19 listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for Admissions to SAP AG,  
20 SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
21 request, Defendants would have to analyze each individual object in each fix or update contained  
22 within each master bundle. Defendants, therefore, object on the basis that this request is  
23 compound, overly broad and unduly burdensome because it seeks an admission regarding  
24 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
25 numerous employees, (3) took place over several years, and (4) would require Defendants to  
26 review enormous volumes of business records to attempt to determine an answer, if possible, for  
27 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
28 Defendants object to this request on the basis that Defendants’ burden associated with responding

1 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
2 through this request, especially because the available documents, data and other information from  
3 which the answer, if any, could be derived in response to this request have been produced by  
4 Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available  
5 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and  
6 without waiving the foregoing objections and qualifications, Defendants respond as follows:

7 ADMITTED on the following qualified basis: TomorrowNow reasonably believes that,  
8 for the majority of the objects (meaning at least one object more than half of the total objects)  
9 associated with the master bundle records referenced in the first two columns of Exhibit A, one  
10 step in the process for generating the object was to use an environment specific to  
11 TomorrowNow's retrofit support of specific TomorrowNow customers with "dev" in its name to  
12 make any needed changes to the object. To the extent not admitted, this request is DENIED.

13 **REQUEST FOR ADMISSION NO. 530:**

14 Admit that for some Fixes or Updates listed in the first two columns of Exhibit A, one  
15 step in the process of generating that Fix or Update was to use the "DEV" Environment (as the  
16 term is used in Requests Nos. 524-527) to Develop the changes which TN had determined  
17 through the replication process should be included in the Fix or Update, by modifying and/or  
18 creating each implicated Fix Object.

19 **RESPONSE TO REQUEST FOR ADMISSION NO. 530:**

20 Defendants object to this request on the grounds stated in the General Objections and  
21 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
22 respect to the information sought in this request because Defendants SAP AG and SAP America  
23 have no additional knowledge separate and apart from the information provided by Defendant  
24 TomorrowNow in this response. Defendants object to the request because the terms "Fixes,"  
25 "Updates," "generating," "use," "develop," "some" and "'DEV' environment" are capable of  
26 multiple meanings and thus, make this request vague and ambiguous. Defendants object that the  
27 phrases "the changes which TN had determined through the replication process should be  
28 included in the fix or update" and "by modifying and/or creating each implicated fix object" as

1 being subject to multiple meanings and, as such, being vague and ambiguous. Defendants object  
2 to the term “Fix Object” as overly broad, vague, and inaccurate to the extent it includes the phrase  
3 “discrete unit of code.” Defendants respond as if the undefined term “object” was used in “Fix  
4 Object’s” place. Further, Exhibit A lists the names of master bundles as that term was used by  
5 TomorrowNow in the SAS database. The master bundles are not the actual objects that are  
6 developed for TomorrowNow customers. Master bundles and master fixes are records that  
7 simply identify problems for which TomorrowNow generally developed objects to resolve. The  
8 object development often took place at the release level, source level, and customer level. If this  
9 request is actually asking for information related to each and every object TomorrowNow  
10 developed, this number is more in line with the 33,185 listed in Plaintiffs’ Exhibit D to Plaintiffs’  
11 Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To  
12 respond to this question, Defendants would have to analyze each individual object in each fix or  
13 update contained within each master bundle. Defendants, therefore, object to this request as  
14 compound and unduly burdensome in that this request seeks information and activities that (1)  
15 involved many thousands of objects, (2) involved numerous employees, (3) took place over  
16 several years, and (4) would require Defendants to review substantial business records to  
17 determine an answer, if possible, for each of the numerous numbers of objects contained within  
18 the fixes and updates, and Defendants’ burden in doing so would be substantially similar to the  
19 burden for Plaintiffs to do so given that the available information is at least as equally accessible  
20 to Plaintiffs as it is to Defendants. Defendants also object to the terms “extended support  
21 environment” and “‘DEV’ Environment” (as the terms were used in Request Nos. 508-511 and  
22 524-527) for the reasons stated in Defendants’ objections to Request Nos. 508-511 and 524-527.

23 Subject to the General Objections and Responses and these specific objections, after a  
24 reasonable inquiry and based on Defendants’ understanding of these questions, Defendants lack  
25 sufficient knowledge and information to either admit or deny these requests, as the information  
26 sought was not tracked, recorded, or maintained by TomorrowNow in a “readily obtainable  
27 manner.” Based on all of the reasons and objections stated above, these requests are DENIED.  
28

**AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 530:**

Defendants incorporate by reference, as if fully set forth herein, all of Defendants' General Objections noted above. Defendants' response is based solely on Defendant TomorrowNow's knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant TomorrowNow in this response. Defendants object to the request because the terms "fix," "update," "generating," "use," and "'DEV' environment" make this request overly broad, vague and ambiguous. Defendants also object to the terms "generic environment" and "'DEV' Environment" (as the terms were used in Request Nos. 508-511 and 524-527) for the reasons stated in Defendants' objections to Request Nos. 508-511 and 524-527. Defendants object that the phrases "the changes which TN had determined through the replication process should be included in the fix or update" and "by modifying and/or creating each implicated fix object" as being subject to multiple meanings and, as such, being overly broad, vague and ambiguous. Further, Exhibit A lists the names of "master bundles" as that phrase was used by TomorrowNow in the SAS database. TomorrowNow's "master bundles" are not the actual objects included in fixes or updates that are developed for TomorrowNow's customers. "Master bundles" and "master fixes" are records that describe the issue to be addressed and then serve as a record keeping device and reference for that issue and related activity TomorrowNow undertook to address that issue. The actual development of customer-specific objects included in customer-specific fixes and updates was referenced to a "master bundle" or "master fix" record for identification and record keeping purposes. Thus, if this request seeks an admission related to each and every object related to each and every customer-specific fix or update that TomorrowNow developed, then this single request impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this request, Defendants would have to analyze each individual object in each fix or update contained within each master bundle. Defendants, therefore, object on the basis that this request is



1 compound, overly broad and unduly burdensome because it seeks an admission regarding  
2 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
3 numerous employees, (3) took place over several years, and (4) would require Defendants to  
4 review enormous volumes of business records to attempt to determine an answer, if possible, for  
5 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
6 Defendants object to this request on the basis that Defendants' burden associated with responding  
7 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
8 through this request, especially because the available documents, data and other information from  
9 which the answer, if any, could be derived in response to this request have been produced by  
10 Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available  
11 information is now as equally accessible to Plaintiffs as it is to Defendants. Further, in providing  
12 this response, Defendants are defining "some" as "more than one" as suggested by Plaintiffs in  
13 their August 10, 2009 meet and confer letter. Subject to and without waiving the foregoing  
14 objections and qualifications, Defendants respond as follows:

15 ADMITTED on the following qualified basis: For some of the objects (meaning more  
16 than one) associated with the master bundle records referenced in the first two columns of Exhibit  
17 A, one step in the process for generating the object was to use an environment specific to  
18 TomorrowNow's retrofit support of specific TomorrowNow customers with "dev" in its name to  
19 make any needed changes to the object. To the extent not admitted, this request is DENIED.

20 **REQUEST FOR ADMISSION NO. 531:**

21 Admit that for at least one Fix or Update listed in the first two columns of Exhibit A, one  
22 step in the process of generating that Fix or Update was to use the "DEV" Environment (as the  
23 term is used in Requests Nos. 524-527) to Develop the changes which TN had determined  
24 through the replication process should be included in the Fix or Update, by modifying and/or  
25 creating each implicated Fix Object.

26 **RESPONSE TO REQUEST FOR ADMISSION NO. 531:**

27 Defendants object to this request on the grounds stated in the General Objections and  
28 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with

1 respect to the information sought in this request because Defendants SAP AG and SAP America  
2 have no additional knowledge separate and apart from the information provided by Defendant  
3 TomorrowNow in this response. Defendants object to the request because the terms “Fix,”  
4 “Update,” “generating,” “use,” “develop,” and “‘DEV’ environment” are capable of multiple  
5 meanings and thus, make this request vague and ambiguous. Defendants object that the phrases  
6 “the changes which TN had determined through the replication process should be included in the  
7 fix or update” and “by modifying and/or creating each implicated fix object” as being subject to  
8 multiple meanings and, as such, being vague and ambiguous. Defendants object to the term “Fix  
9 Object” as overly broad, vague, and inaccurate to the extent it includes the phrase “discrete unit  
10 of code.” Defendants respond as if the undefined term “object” was used in “Fix Object’s” place.  
11 Further, Exhibit A lists the names of master bundles as that term was used by TomorrowNow in  
12 the SAS database. The master bundles are not the actual objects that are developed for  
13 TomorrowNow customers. Master bundles and master fixes are records that simply identify  
14 problems for which TomorrowNow generally developed objects to resolve. The object  
15 development often took place at the release level, source level, and customer level. If this request  
16 is actually asking for information related to each and every object TomorrowNow developed, this  
17 number is more in line with the 33,185 listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of  
18 Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this  
19 question, Defendants would have to analyze each individual object in each fix or update  
20 contained within each master bundle. Defendants, therefore, object to this request as compound  
21 and unduly burdensome in that this request seeks information and activities that (1) involved  
22 many thousands of objects, (2) involved numerous employees, (3) took place over several years,  
23 and (4) would require Defendants to review substantial business records to determine an answer,  
24 if possible, for each of the numerous numbers of objects contained within the fixes and updates,  
25 and Defendants’ burden in doing so would be substantially similar to the burden for Plaintiffs to  
26 do so given that the available information is at least as equally accessible to Plaintiffs as it is to  
27 Defendants. Defendants also object to the terms “extended support environment” and “‘DEV’  
28 Environment” (as the terms were used in Request Nos. 508-511 and 524-527) for the reasons

1 stated in Defendants' objections to Request Nos. 508-511 and 524-527.

2 Subject to the General Objections and Responses and these specific objections, after a  
3 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
4 sufficient knowledge and information to either admit or deny these requests, as the information  
5 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
6 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

7 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 531:**

8 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
9 General Objections noted above. Defendants' response is based solely on Defendant  
10 TomorrowNow's knowledge with respect to the information sought in this request because  
11 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
12 information provided by Defendant TomorrowNow in this response. Defendants object to the  
13 request because the terms "fix," "update," "generating," "use," and "'DEV' environment" make  
14 this request overly broad, vague and ambiguous. Defendants also object to the terms "generic  
15 environment" and "'DEV' Environment" (as the terms were used in Request Nos. 508-511 and  
16 524-527) for the reasons stated in Defendants' objections to Request Nos. 508-511 and 524-527.  
17 Defendants object that the phrases "the changes which TN had determined through the replication  
18 process should be included in the fix or update" and "by modifying and/or creating each  
19 implicated fix object" as being subject to multiple meanings and, as such, being overly broad,  
20 vague and ambiguous. Further, Exhibit A lists the names of "master bundles" as that phrase was  
21 used by TomorrowNow in the SAS database. TomorrowNow's "master bundles" are not the  
22 actual objects included in fixes or updates that are developed for TomorrowNow's customers.  
23 "Master bundles" and "master fixes" are records that describe the issue to be addressed and then  
24 serve as a record keeping device and reference for that issue and related activity TomorrowNow  
25 undertook to address that issue. The actual development of customer-specific objects included in  
26 customer-specific fixes and updates was referenced to a "master bundle" or "master fix" record  
27 for identification and record keeping purposes. Thus, if this request seeks an admission related to  
28 each and every object related to each and every customer-specific fix or update that

1 TomorrowNow developed, then this single request impermissibly seeks literally thousands of  
2 admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects  
3 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG,  
4 SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
5 request, Defendants would have to analyze each individual object in each fix or update contained  
6 within each master bundle. Defendants, therefore, object on the basis that this request is  
7 compound, overly broad and unduly burdensome because it seeks an admission regarding  
8 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
9 numerous employees, (3) took place over several years, and (4) would require Defendants to  
10 review enormous volumes of business records to attempt to determine an answer, if possible, for  
11 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
12 Defendants object to this request on the basis that Defendants' burden associated with responding  
13 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
14 through this request, especially because the available documents, data and other information from  
15 which the answer, if any, could be derived in response to this request have been produced by  
16 Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available  
17 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and  
18 without waiving the foregoing objections and qualifications, Defendants respond as follows:

19 ADMITTED on the following qualified basis: For at least one of the objects associated  
20 with the master bundle records referenced in the first two columns of Exhibit A, one step in the  
21 process for generating the object was to use an environment specific to TomorrowNow's retrofit  
22 support of specific TomorrowNow customers with "dev" in its name to make any needed changes  
23 to the object. To the extent not admitted, this request is DENIED.

24 **REQUEST FOR ADMISSION NO. 532:**

25 Admit that for each Fix or Update listed in the first two columns of Exhibit A, one step in  
26 the process of generating that Fix or Update was to make a Copy of an existing "extended support  
27 environment" (as the term is used in Requests Nos. 508-511), and label the Copy as a "TST"  
28 Environment.

**RESPONSE TO REQUEST FOR ADMISSION NO. 532:**

Defendants object to this request on the grounds stated in the General Objections and Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant TomorrowNow in this response. Defendants object to the request because the terms "Fix," "Update," "generating," "make," "copy," "extended support environment," "'TST' environment," and "environment" are capable of multiple meanings and thus, make this request vague and ambiguous. Further, Exhibit A lists the names of master bundles as that term was used by TomorrowNow in the SAS database. The master bundles are not the actual objects that are developed for TomorrowNow customers. Master bundles and master fixes are records that simply identify problems for which TomorrowNow generally developed objects to resolve. The object development often took place at the release level, source level, and customer level. If this request is actually asking for information related to each and every object TomorrowNow developed, this number is more in line with the 33,185 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this question, Defendants would have to analyze each individual object in each fix or update contained within each master bundle. Defendants, therefore, object to this request as compound and unduly burdensome in that this request seeks information and activities that (1) involved many thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4) would require Defendants to review substantial business records to determine an answer, if possible, for each of the numerous numbers of objects contained within the fixes and updates, and Defendants' burden in doing so would be substantially similar to the burden for Plaintiffs to do so given that the available information is at least as equally accessible to Plaintiffs as it is to Defendants. Defendants also object to the term "extended support environment" (as the term was used in Request Nos. 508-511) for the reasons stated in Defendants' objections to Request Nos. 508-511.

Subject to the General Objections and Responses and these specific objections, after a

1 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
2 sufficient knowledge and information to either admit or deny these requests, as the information  
3 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
4 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

5 **AMENDED REQUEST FOR ADMISSION NO. 532:**

6 Admit that for each Fix or Update listed in the first two columns of Exhibit A, one step in  
7 the process of generating that Fix or Update was to make a Copy of an existing Generic  
8 Environment, and label the Copy as a "TST" Environment.

9 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 532:**

10 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
11 General Objections noted above. Defendants' response is based solely on Defendant  
12 TomorrowNow's knowledge with respect to the information sought in this request because  
13 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
14 information provided by Defendant TomorrowNow in this response. Defendants object to the  
15 request because the terms "fix," "update," "generating," "make," "copy," "generic environment,"  
16 and "'TST' environment" make this request overly broad, vague and ambiguous. "Generic  
17 Environment" is a term created by Plaintiffs and as used and defined by Plaintiffs is misleading  
18 by attempting to suggest that any such environment or environment component was not used for  
19 limited customers, scope or purpose. Defendants further object to the definition of "Generic  
20 Environment" to the extent it incorporates the overly broad, unduly burdensome, and vague term  
21 "environment," to which Defendants object above. Further, Exhibit A lists the names of "master  
22 bundles" as that phrase was used by TomorrowNow in the SAS database. TomorrowNow's  
23 "master bundles" are not the actual objects included in fixes or updates that are developed for  
24 TomorrowNow's customers. "Master bundles" and "master fixes" are records that describe the  
25 issue to be addressed and then serve as a record keeping device and reference for that issue and  
26 related activity TomorrowNow undertook to address that issue. The actual development of  
27 customer-specific objects included in customer-specific fixes and updates was referenced to a  
28 "master bundle" or "master fix" record for identification and record keeping purposes. Thus, if

1 this request seeks an admission related to each and every object related to each and every  
2 customer-specific fix or update that TomorrowNow developed, then this single request  
3 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
4 impermissibly seek regarding the 33,185 objects listed in Plaintiffs' Exhibit D to Plaintiffs' Third  
5 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
6 intent of this request, then to respond to this request, Defendants would have to analyze each  
7 individual object in each fix or update contained within each master bundle. Defendants,  
8 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
9 because it seeks an admission regarding thousands of separate activities that (1) involved many  
10 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
11 would require Defendants to review enormous volumes of business records to attempt to  
12 determine an answer, if possible, for each of the numerous objects contained within the  
13 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
14 Defendants' burden associated with responding to this request is substantially similar to the  
15 burden for Plaintiffs to obtain the information sought through this request, especially because the  
16 available documents, data and other information from which the answer, if any, could be derived  
17 in response to this request have been produced by Defendants in response to Plaintiffs' other  
18 discovery requests and thus any relevant, available information is now as equally accessible to  
19 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
20 qualifications, Defendants respond as follows:

21 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
22 information Defendants currently know or can readily obtain, Defendants have insufficient  
23 information to admit or deny this request.

24 **REQUEST FOR ADMISSION NO. 533:**

25 Admit that for the majority of Fixes or Updates listed in the first two columns of Exhibit  
26 A, one step in the process of generating that Fix or Update was to make a Copy of an existing  
27 "extended support environment" (as the term is used in Requests Nos. 508-511), and label the  
28 Copy as a "TST" Environment.

**RESPONSE TO REQUEST FOR ADMISSION NO. 533:**

Defendants object to this request on the grounds stated in the General Objections and Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant TomorrowNow in this response. Defendants object to the request because the terms "Fix," "Update," "majority," "generating," "make," "copy," "extended support environment," "TST environment," and "environment" are capable of multiple meanings and thus, make this request vague and ambiguous. Further, Exhibit A lists the names of master bundles as that term was used by TomorrowNow in the SAS database. The master bundles are not the actual objects that are developed for TomorrowNow customers. Master bundles and master fixes are records that simply identify problems for which TomorrowNow generally developed objects to resolve. The object development often took place at the release level, source level, and customer level. If this request is actually asking for information related to each and every object TomorrowNow developed, this number is more in line with the 33,185 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this question, Defendants would have to analyze each individual object in each fix or update contained within each master bundle. Defendants, therefore, object to this request as compound and unduly burdensome in that this request seeks information and activities that (1) involved many thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4) would require Defendants to review substantial business records to determine an answer, if possible, for each of the numerous numbers of objects contained within the fixes and updates, and Defendants' burden in doing so would be substantially similar to the burden for Plaintiffs to do so given that the available information is at least as equally accessible to Plaintiffs as it is to Defendants. Defendants also object to the term "extended support environment" (as the term was used in Request Nos. 508-511) for the reasons stated in Defendants' objections to Request Nos. 508-511.



1 Subject to the General Objections and Responses and these specific objections, after a  
2 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
3 sufficient knowledge and information to either admit or deny these requests, as the information  
4 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
5 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

6 **AMENDED REQUEST FOR ADMISSION NO. 533:**

7 Admit that for the majority of Fixes or Updates listed in the first two columns of Exhibit  
8 A, one step in the process of generating that Fix or Update was to make a Copy of an existing  
9 Generic Environment, and label the Copy as a "TST" Environment.

10 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 533:**

11 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
12 General Objections noted above. Defendants' response is based solely on Defendant  
13 TomorrowNow's knowledge with respect to the information sought in this request because  
14 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
15 information provided by Defendant TomorrowNow in this response. Defendants object to the  
16 request because the terms "fix," "update," "generating," "make," "copy," "generic environment,"  
17 and "'TST' environment" make this request overly broad, vague and ambiguous. "Generic  
18 Environment" is a term created by Plaintiffs and as used and defined by Plaintiffs is misleading  
19 by attempting to suggest that any such environment or environment component was not used for  
20 limited customers, scope or purpose. Defendants further object to the definition of "Generic  
21 Environment" to the extent it incorporates the overly broad, unduly burdensome, and vague term  
22 "environment," to which Defendants object above. Further, Exhibit A lists the names of "master  
23 bundles" as that phrase was used by TomorrowNow in the SAS database. TomorrowNow's  
24 "master bundles" are not the actual objects included in fixes or updates that are developed for  
25 TomorrowNow's customers. "Master bundles" and "master fixes" are records that describe the  
26 issue to be addressed and then serve as a record keeping device and reference for that issue and  
27 related activity TomorrowNow undertook to address that issue. The actual development of  
28 customer-specific objects included in customer-specific fixes and updates was referenced to a

1 “master bundle” or “master fix” record for identification and record keeping purposes. Thus, if  
2 this request seeks an admission related to each and every object related to each and every  
3 customer-specific fix or update that TomorrowNow developed, then this single request  
4 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
5 impermissibly seek regarding the 33,185 objects listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third  
6 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
7 intent of this request, then to respond to this request, Defendants would have to analyze each  
8 individual object in each fix or update contained within each master bundle. Defendants,  
9 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
10 because it seeks an admission regarding thousands of separate activities that (1) involved many  
11 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
12 would require Defendants to review enormous volumes of business records to attempt to  
13 determine an answer, if possible, for each of the numerous objects contained within the  
14 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
15 Defendants’ burden associated with responding to this request is substantially similar to the  
16 burden for Plaintiffs to obtain the information sought through this request, especially because the  
17 available documents, data and other information from which the answer, if any, could be derived  
18 in response to this request have been produced by Defendants in response to Plaintiffs’ other  
19 discovery requests and thus any relevant, available information is now as equally accessible to  
20 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
21 qualifications, Defendants respond as follows:

22 ADMITTED on the following qualified basis: TomorrowNow reasonably believes that,  
23 for the majority of the objects (meaning at least one object more than half of the total objects)  
24 associated with the master bundle records referenced in the first two columns of Exhibit A, one  
25 step in the process for generating the object was to refresh an existing environment specific to  
26 TomorrowNow’s retrofit support of specific TomorrowNow customers and to signify that  
27 environment by including “tst” in its name. To the extent not admitted, this request is DENIED.  
28

1 **REQUEST FOR ADMISSION NO. 534:**

2 Admit that for some Fixes or Updates listed in the first two columns of Exhibit A, one  
3 step in the process of generating that Fix or Update was to make a Copy of an existing “extended  
4 support environment” (as the term is used in Requests Nos. 508-511), and label the Copy as a  
5 “TST” Environment.

6 **RESPONSE TO REQUEST FOR ADMISSION NO. 534:**

7 Defendants object to this request on the grounds stated in the General Objections and  
8 Responses. Defendants’ response is based solely on Defendant TomorrowNow’s knowledge with  
9 respect to the information sought in this request because Defendants SAP AG and SAP America  
10 have no additional knowledge separate and apart from the information provided by Defendant  
11 TomorrowNow in this response. Defendants object to the request because the terms “Fix(es),”  
12 “Updates,” “generating,” “make,” “copy,” “extended support environment,” “some,” “TST”  
13 environment,” and “environment” are capable of multiple meanings and thus, make this request  
14 vague and ambiguous. Further, Exhibit A lists the names of master bundles as that term was used  
15 by TomorrowNow in the SAS database. The master bundles are not the actual objects that are  
16 developed for TomorrowNow customers. Master bundles and master fixes are records that  
17 simply identify problems for which TomorrowNow generally developed objects to resolve. The  
18 object development often took place at the release level, source level, and customer level. If this  
19 request is actually asking for information related to each and every object TomorrowNow  
20 developed, this number is more in line with the 33,185 listed in Plaintiffs’ Exhibit D to Plaintiffs’  
21 Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To  
22 respond to this question, Defendants would have to analyze each individual object in each fix or  
23 update contained within each master bundle. Defendants, therefore, object to this request as  
24 compound and unduly burdensome in that this request seeks information and activities that (1)  
25 involved many thousands of objects, (2) involved numerous employees, (3) took place over  
26 several years, and (4) would require Defendants to review substantial business records to  
27 determine an answer, if possible, for each of the numerous numbers of objects contained within  
28 the fixes and updates, and Defendants’ burden in doing so would be substantially similar to the

1 burden for Plaintiffs to do so given that the available information is at least as equally accessible  
2 to Plaintiffs as it is to Defendants. Defendants also object to the term “extended support  
3 environment” (as the term was used in Request Nos. 508-511) for the reasons stated in  
4 Defendants’ objections to Request Nos. 508-511.

5 Subject to the General Objections and Responses and these specific objections, after a  
6 reasonable inquiry and based on Defendants’ understanding of these questions, Defendants lack  
7 sufficient knowledge and information to either admit or deny these requests, as the information  
8 sought was not tracked, recorded, or maintained by TomorrowNow in a “readily obtainable  
9 manner.” Based on all of the reasons and objections stated above, these requests are DENIED.

10 **AMENDED REQUEST FOR ADMISSION NO. 534:**

11 Admit that for some Fixes or Updates listed in the first two columns of Exhibit A, one  
12 step in the process of generating that Fix or Update was to make a Copy of an existing Generic  
13 Environment, and label the Copy as a “TST” Environment.

14 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 534:**

15 Defendants incorporate by reference, as if fully set forth herein, all of Defendants’  
16 General Objections noted above. Defendants’ response is based solely on Defendant  
17 TomorrowNow’s knowledge with respect to the information sought in this request because  
18 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
19 information provided by Defendant TomorrowNow in this response. Defendants object to the  
20 request because the terms “fix,” “update,” “generating,” “make,” “copy,” “generic environment,”  
21 and “‘TST’ environment” make this request overly broad, vague and ambiguous. “Generic  
22 Environment” is a term created by Plaintiffs and as used and defined by Plaintiffs is misleading  
23 by attempting to suggest that any such environment or environment component was not used for  
24 limited customers, scope or purpose. Defendants further object to the definition of “Generic  
25 Environment” to the extent it incorporates the overly broad, unduly burdensome, and vague term  
26 “environment,” to which Defendants object above. Further, Exhibit A lists the names of “master  
27 bundles” as that phrase was used by TomorrowNow in the SAS database. TomorrowNow’s  
28 “master bundles” are not the actual objects included in fixes or updates that are developed for

1 TomorrowNow's customers. "Master bundles" and "master fixes" are records that describe the  
2 issue to be addressed and then serve as a record keeping device and reference for that issue and  
3 related activity TomorrowNow undertook to address that issue. The actual development of  
4 customer-specific objects included in customer-specific fixes and updates was referenced to a  
5 "master bundle" or "master fix" record for identification and record keeping purposes. Thus, if  
6 this request seeks an admission related to each and every object related to each and every  
7 customer-specific fix or update that TomorrowNow developed, then this single request  
8 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
9 impermissibly seek regarding the 33,185 objects listed in Plaintiffs' Exhibit D to Plaintiffs' Third  
10 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
11 intent of this request, then to respond to this request, Defendants would have to analyze each  
12 individual object in each fix or update contained within each master bundle. Defendants,  
13 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
14 because it seeks an admission regarding thousands of separate activities that (1) involved many  
15 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
16 would require Defendants to review enormous volumes of business records to attempt to  
17 determine an answer, if possible, for each of the numerous objects contained within the  
18 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
19 Defendants' burden associated with responding to this request is substantially similar to the  
20 burden for Plaintiffs to obtain the information sought through this request, especially because the  
21 available documents, data and other information from which the answer, if any, could be derived  
22 in response to this request have been produced by Defendants in response to Plaintiffs' other  
23 discovery requests and thus any relevant, available information is now as equally accessible to  
24 Plaintiffs as it is to Defendants. Further, in providing this response, Defendants are defining  
25 "some" as "more than one" as suggested by Plaintiffs in their August 10, 2009 meet and confer  
26 letter. Subject to and without waiving the foregoing objections and qualifications, Defendants  
27 respond as follows:

28 ADMITTED on the following qualified basis: For some of the objects (meaning more

1 than one) associated with the master bundle records referenced in the first two columns of Exhibit  
2 A, one step in the process for generating the object was to refresh an existing environment  
3 specific to TomorrowNow's retrofit support of specific TomorrowNow customers and to signify  
4 that environment by including "tst" in its name. To the extent not admitted, this request is  
5 DENIED.

6 **REQUEST FOR ADMISSION NO. 535:**

7 Admit that for at least one Fix or Update listed in the first two columns of Exhibit A, one  
8 step in the process of generating that Fix or Update was to make a Copy of an existing "extended  
9 support environment" (as the term is used in Requests Nos. 508-511), and label the Copy as a  
10 "TST" Environment.

11 **RESPONSE TO REQUEST FOR ADMISSION NO. 535:**

12 Defendants object to this request on the grounds stated in the General Objections and  
13 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
14 respect to the information sought in this request because Defendants SAP AG and SAP America  
15 have no additional knowledge separate and apart from the information provided by Defendant  
16 TomorrowNow in this response. Defendants object to the request because the terms "Fix,"  
17 "Update," "generating," "make," "copy," "extended support environment," "TST environment,"  
18 and "environment" are capable of multiple meanings and thus, make this request vague and  
19 ambiguous. Further, Exhibit A lists the names of master bundles as that term was used by  
20 TomorrowNow in the SAS database. The master bundles are not the actual objects that are  
21 developed for TomorrowNow customers. Master bundles and master fixes are records that  
22 simply identify problems for which TomorrowNow generally developed objects to resolve. The  
23 object development often took place at the release level, source level, and customer level. If this  
24 request is actually asking for information related to each and every object TomorrowNow  
25 developed, this number is more in line with the 33,185 listed in Plaintiffs' Exhibit D to Plaintiffs'  
26 Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To  
27 respond to this question, Defendants would have to analyze each individual object in each fix or  
28 update contained within each master bundle. Defendants, therefore, object to this request as

1 compound and unduly burdensome in that this request seeks information and activities that (1)  
2 involved many thousands of objects, (2) involved numerous employees, (3) took place over  
3 several years, and (4) would require Defendants to review substantial business records to  
4 determine an answer, if possible, for each of the numerous numbers of objects contained within  
5 the fixes and updates, and Defendants' burden in doing so would be substantially similar to the  
6 burden for Plaintiffs to do so given that the available information is at least as equally accessible  
7 to Plaintiffs as it is to Defendants. Defendants also object to the term "extended support  
8 environment" (as the term was used in Request Nos. 508-511) for the reasons stated in  
9 Defendants' objections to Request Nos. 508-511.

10 Subject to the General Objections and Responses and these specific objections, after a  
11 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
12 sufficient knowledge and information to either admit or deny these requests, as the information  
13 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
14 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

15 **AMENDED REQUEST FOR ADMISSION NO. 535:**

16 Admit that for at least one Fix or Update listed in the first two columns of Exhibit A, one  
17 step in the process of generating that Fix or Update was to make a Copy of an existing Generic  
18 Environment, and label the Copy as a "TST" Environment.

19 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 535:**

20 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
21 General Objections noted above. Defendants' response is based solely on Defendant  
22 TomorrowNow's knowledge with respect to the information sought in this request because  
23 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
24 information provided by Defendant TomorrowNow in this response. Defendants object to the  
25 request because the terms "fix," "update," "generating," "make," "copy," "generic environment,"  
26 and "'TST' environment" make this request overly broad, vague and ambiguous. "Generic  
27 Environment" is a term created by Plaintiffs and as used and defined by Plaintiffs is misleading  
28 by attempting to suggest that any such environment or environment component was not used for

1 limited customers, scope or purpose. Defendants further object to the definition of “Generic  
2 Environment” to the extent it incorporates the overly broad, unduly burdensome, and vague term  
3 “environment,” to which Defendants object above. Further, Exhibit A lists the names of “master  
4 bundles” as that phrase was used by TomorrowNow in the SAS database. TomorrowNow’s  
5 “master bundles” are not the actual objects included in fixes or updates that are developed for  
6 TomorrowNow’s customers. “Master bundles” and “master fixes” are records that describe the  
7 issue to be addressed and then serve as a record keeping device and reference for that issue and  
8 related activity TomorrowNow undertook to address that issue. The actual development of  
9 customer-specific objects included in customer-specific fixes and updates was referenced to a  
10 “master bundle” or “master fix” record for identification and record keeping purposes. Thus, if  
11 this request seeks an admission related to each and every object related to each and every  
12 customer-specific fix or update that TomorrowNow developed, then this single request  
13 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
14 impermissibly seek regarding the 33,185 objects listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third  
15 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
16 intent of this request, then to respond to this request, Defendants would have to analyze each  
17 individual object in each fix or update contained within each master bundle. Defendants,  
18 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
19 because it seeks an admission regarding thousands of separate activities that (1) involved many  
20 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
21 would require Defendants to review enormous volumes of business records to attempt to  
22 determine an answer, if possible, for each of the numerous objects contained within the  
23 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
24 Defendants’ burden associated with responding to this request is substantially similar to the  
25 burden for Plaintiffs to obtain the information sought through this request, especially because the  
26 available documents, data and other information from which the answer, if any, could be derived  
27 in response to this request have been produced by Defendants in response to Plaintiffs’ other  
28 discovery requests and thus any relevant, available information is now as equally accessible to



1 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
2 qualifications, Defendants respond as follows:

3 ADMITTED on the following qualified basis: For at least one the objects associated with  
4 the master bundle records referenced in the first two columns of Exhibit A, one step in the  
5 process for generating the object was to refresh an existing environment specific to  
6 TomorrowNow's retrofit support of specific TomorrowNow customers and to signify that  
7 environment by including "tst" in its name. To the extent not admitted, this request is DENIED.

8 **REQUEST FOR ADMISSION NO. 536:**

9 Admit that for each Fix or Update listed in the first two columns of Exhibit A, one step in  
10 the process of generating that Fix or Update was to use the "TST" Environment (as the term is  
11 used in Requests Nos. 532-535) to test the Fix or Update which TN had Developed in the "DEV"  
12 Environment (as the term is used in Requests Nos. 524-527).

13 **RESPONSE TO REQUEST FOR ADMISSION NO. 536:**

14 Defendants object to this request on the grounds stated in the General Objections and  
15 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
16 respect to the information sought in this request because Defendants SAP AG and SAP America  
17 have no additional knowledge separate and apart from the information provided by Defendant  
18 TomorrowNow in this response. Defendants object to the request because the terms "Fix,"  
19 "Update," "generating," "use," "developed," "test," "'DEV' environment" and "'TST'  
20 environment" are subject to multiple meanings and, as such, are overly broad, vague, and  
21 ambiguous. Defendants object that the phrase "which TN had developed in the 'DEV'  
22 environment" as being subject to multiple meanings and, as such, being vague and ambiguous.  
23 Further, Exhibit A lists the names of master bundles as that term was used by TomorrowNow in  
24 the SAS database. The master bundles are not the actual objects that are developed for  
25 TomorrowNow customers. Master bundles and master fixes are records that simply identify  
26 problems for which TomorrowNow generally developed objects to resolve. The object  
27 development often took place at the release level, source level, and customer level. If this request  
28 is actually asking for information related to each and every object TomorrowNow developed, this

1 number is more in line with the 33,185 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of  
2 Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this  
3 question, Defendants would have to analyze each individual object in each fix or update  
4 contained within each master bundle. Defendants, therefore, object to this request as compound  
5 and unduly burdensome in that this request seeks information and activities that (1) involved  
6 many thousands of objects, (2) involved numerous employees, (3) took place over several years,  
7 and (4) would require Defendants to review substantial business records to determine an answer,  
8 if possible, for each of the numerous numbers of objects contained within the fixes and updates,  
9 and Defendants' burden in doing so would be substantially similar to the burden for Plaintiffs to  
10 do so given that the available information is at least as equally accessible to Plaintiffs as it is to  
11 Defendants. Defendants also object to the terms "extended support environment," "DEV'  
12 Environment" and "TST' Environment" (as the terms were used in Request Nos. 508-511,  
13 524-527 and 532-535) for the reasons stated in Defendants' objections to Request Nos. 508-511,  
14 524-527 and 532-535.

15 Subject to the General Objections and Responses and these specific objections, after a  
16 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
17 sufficient knowledge and information to either admit or deny these requests, as the information  
18 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
19 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

20 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 536:**

21 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
22 General Objections noted above. Defendants' response is based solely on Defendant  
23 TomorrowNow's knowledge with respect to the information sought in this request because  
24 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
25 information provided by Defendant TomorrowNow in this response. Defendants object to the  
26 request because the terms "fix," "update," "generating," "use," "test," "DEV' environment,"  
27 and "TST' environment" make this request overly broad, vague and ambiguous. Defendants also  
28 object to the terms "generic environment," "DEV' Environment" and "TST' Environment" (as

1 the terms were used in Request Nos. 508-511, 524-527 and 532-535) for the reasons stated in  
2 Defendants' objections to Request Nos. 508-511, 524-527 and 532-535. Defendants object that  
3 the phrase "which TN had developed in the 'DEV' environment" as being subject to multiple  
4 meanings and, as such, being overly broad, vague and ambiguous. Further, Exhibit A lists the  
5 names of "master bundles" as that phrase was used by TomorrowNow in the SAS database.  
6 TomorrowNow's "master bundles" are not the actual objects included in fixes or updates that are  
7 developed for TomorrowNow's customers. "Master bundles" and "master fixes" are records that  
8 describe the issue to be addressed and then serve as a record keeping device and reference for that  
9 issue and related activity TomorrowNow undertook to address that issue. The actual  
10 development of customer-specific objects included in customer-specific fixes and updates was  
11 referenced to a "master bundle" or "master fix" record for identification and record keeping  
12 purposes. Thus, if this request seeks an admission related to each and every object related to each  
13 and every customer-specific fix or update that TomorrowNow developed, then this single request  
14 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
15 impermissibly seek regarding the 33,185 objects listed in Plaintiffs' Exhibit D to Plaintiffs' Third  
16 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
17 intent of this request, then to respond to this request, Defendants would have to analyze each  
18 individual object in each fix or update contained within each master bundle. Defendants,  
19 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
20 because it seeks an admission regarding thousands of separate activities that (1) involved many  
21 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
22 would require Defendants to review enormous volumes of business records to attempt to  
23 determine an answer, if possible, for each of the numerous objects contained within the  
24 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
25 Defendants' burden associated with responding to this request is substantially similar to the  
26 burden for Plaintiffs to obtain the information sought through this request, especially because the  
27 available documents, data and other information from which the answer, if any, could be derived  
28 in response to this request have been produced by Defendants in response to Plaintiffs' other

1 discovery requests and thus any relevant, available information is now as equally accessible to  
2 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
3 qualifications, Defendants respond as follows:

4 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
5 information Defendants currently know or can readily obtain, Defendants have insufficient  
6 information to admit or deny this request.

7 **REQUEST FOR ADMISSION NO. 537:**

8 Admit that for the majority of Fixes or Updates listed in the first two columns of Exhibit  
9 A, one step in the process of generating that Fix or Update was to use the “TST” Environment (as  
10 the term is used in Requests Nos. 532-535) to test the Fix or Update which TN had Developed in  
11 the “DEV” Environment (as the term is used in Requests Nos. 524-527).

12 **RESPONSE TO REQUEST FOR ADMISSION NO. 537:**

13 Defendants object to this request on the grounds stated in the General Objections and  
14 Responses. Defendants’ response is based solely on Defendant TomorrowNow’s knowledge with  
15 respect to the information sought in this request because Defendants SAP AG and SAP America  
16 have no additional knowledge separate and apart from the information provided by Defendant  
17 TomorrowNow in this response. Defendants object to the request because the terms “Fix(es),”  
18 “Update,” “majority,” “generating,” “use,” “developed,” “test,” ““DEV’ environment,” and ““TST’  
19 environment” are subject to multiple meanings and, as such, are overly broad, vague, and  
20 ambiguous. Defendants object that the phrase “which TN had developed in the ‘DEV’  
21 environment” as being subject to multiple meanings and, as such, being vague and ambiguous.  
22 Further, Exhibit A lists the names of master bundles as that term was used by TomorrowNow in  
23 the SAS database. The master bundles are not the actual objects that are developed for  
24 TomorrowNow customers. Master bundles and master fixes are records that simply identify  
25 problems for which TomorrowNow generally developed objects to resolve. The object  
26 development often took place at the release level, source level, and customer level. If this request  
27 is actually asking for information related to each and every object TomorrowNow developed, this  
28 number is more in line with the 33,185 listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of

1 Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this  
2 question, Defendants would have to analyze each individual object in each fix or update  
3 contained within each master bundle. Defendants, therefore, object to this request as compound  
4 and unduly burdensome in that this request seeks information and activities that (1) involved  
5 many thousands of objects, (2) involved numerous employees, (3) took place over several years,  
6 and (4) would require Defendants to review substantial business records to determine an answer,  
7 if possible, for each of the numerous numbers of objects contained within the fixes and updates,  
8 and Defendants' burden in doing so would be substantially similar to the burden for Plaintiffs to  
9 do so given that the available information is at least as equally accessible to Plaintiffs as it is to  
10 Defendants. Defendants also object to the terms "extended support environment," "DEV'  
11 Environment" and "TST' Environment" (as the terms were used in Request Nos. 508-511,  
12 524-527 and 532-535) for the reasons stated in Defendants' objections to Request Nos. 508-511,  
13 524-527 and 532-535.

14 Subject to the General Objections and Responses and these specific objections, after a  
15 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
16 sufficient knowledge and information to either admit or deny these requests, as the information  
17 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
18 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

19 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 537:**

20 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
21 General Objections noted above. Defendants' response is based solely on Defendant  
22 TomorrowNow's knowledge with respect to the information sought in this request because  
23 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
24 information provided by Defendant TomorrowNow in this response. Defendants object to the  
25 request because the terms "fix," "update," "generating," "use," "test," "DEV' environment,"  
26 and "TST' environment" make this request overly broad, vague and ambiguous. Defendants also  
27 object to the terms "generic environment," "DEV' Environment" and "TST' Environment" (as  
28 the terms were used in Request Nos. 508-511, 524-527 and 532-535) for the reasons stated in

1 Defendants' objections to Request Nos. 508-511, 524-527 and 532-535. Defendants object that  
2 the phrase "which TN had developed in the 'DEV' environment" as being subject to multiple  
3 meanings and, as such, being overly broad, vague and ambiguous. Further, Exhibit A lists the  
4 names of "master bundles" as that phrase was used by TomorrowNow in the SAS database.  
5 TomorrowNow's "master bundles" are not the actual objects included in fixes or updates that are  
6 developed for TomorrowNow's customers. "Master bundles" and "master fixes" are records that  
7 describe the issue to be addressed and then serve as a record keeping device and reference for that  
8 issue and related activity TomorrowNow undertook to address that issue. The actual  
9 development of customer-specific objects included in customer-specific fixes and updates was  
10 referenced to a "master bundle" or "master fix" record for identification and record keeping  
11 purposes. Thus, if this request seeks an admission related to each and every object related to each  
12 and every customer-specific fix or update that TomorrowNow developed, then this single request  
13 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
14 impermissibly seek regarding the 33,185 objects listed in Plaintiffs' Exhibit D to Plaintiffs' Third  
15 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
16 intent of this request, then to respond to this request, Defendants would have to analyze each  
17 individual object in each fix or update contained within each master bundle. Defendants,  
18 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
19 because it seeks an admission regarding thousands of separate activities that (1) involved many  
20 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
21 would require Defendants to review enormous volumes of business records to attempt to  
22 determine an answer, if possible, for each of the numerous objects contained within the  
23 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
24 Defendants' burden associated with responding to this request is substantially similar to the  
25 burden for Plaintiffs to obtain the information sought through this request, especially because the  
26 available documents, data and other information from which the answer, if any, could be derived  
27 in response to this request have been produced by Defendants in response to Plaintiffs' other  
28 discovery requests and thus any relevant, available information is now as equally accessible to

1 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
2 qualifications, Defendants respond as follows:

3 ADMITTED on the following qualified basis: TomorrowNow reasonably believes that,  
4 for the majority of the objects (meaning at least one object more than half of the total objects)  
5 associated with the master bundle records referenced in the first two columns of Exhibit A, one  
6 step in the process for generating the object was to use an environment specific to  
7 TomorrowNow's retrofit support of specific TomorrowNow customers with "tst" in its name to  
8 test the object. To the extent not admitted, this request is DENIED.

9 **REQUEST FOR ADMISSION NO. 538:**

10 Admit that for some Fixes or Updates listed in the first two columns of Exhibit A, one  
11 step in the process of generating that Fix or Update was to use the "TST" Environment (as the  
12 term is used in Requests Nos. 532-535) to test the Fix or Update which TN had Developed in the  
13 "DEV" Environment (as the term is used in Requests Nos. 524-527).

14 **RESPONSE TO REQUEST FOR ADMISSION NO. 538:**

15 Defendants object to this request on the grounds stated in the General Objections and  
16 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
17 respect to the information sought in this request because Defendants SAP AG and SAP America  
18 have no additional knowledge separate and apart from the information provided by Defendant  
19 TomorrowNow in this response. Defendants object to the request because the terms "Fix(es),"  
20 "Update," "generating," "use," "developed," "test," "DEV environment," "some," and "TST  
21 environment" are subject to multiple meanings and, as such, are overly broad, vague, and  
22 ambiguous. Defendants object that the phrase "which TN had developed in the 'DEV'  
23 environment" as being subject to multiple meanings and, as such, being vague and ambiguous.  
24 Further, Exhibit A lists the names of master bundles as that term was used by TomorrowNow in  
25 the SAS database. The master bundles are not the actual objects that are developed for  
26 TomorrowNow customers. Master bundles and master fixes are records that simply identify  
27 problems for which TomorrowNow generally developed objects to resolve. The object  
28 development often took place at the release level, source level, and customer level. If this request

1 is actually asking for information related to each and every object TomorrowNow developed, this  
2 number is more in line with the 33,185 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of  
3 Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this  
4 question, Defendants would have to analyze each individual object in each fix or update  
5 contained within each master bundle. Defendants, therefore, object to this request as compound  
6 and unduly burdensome in that this request seeks information and activities that (1) involved  
7 many thousands of objects, (2) involved numerous employees, (3) took place over several years,  
8 and (4) would require Defendants to review substantial business records to determine an answer,  
9 if possible, for each of the numerous numbers of objects contained within the fixes and updates,  
10 and Defendants' burden in doing so would be substantially similar to the burden for Plaintiffs to  
11 do so given that the available information is at least as equally accessible to Plaintiffs as it is to  
12 Defendants. Defendants also object to the terms "extended support environment," "DEV'  
13 Environment" and "TST' Environment" (as the terms were used in Request Nos. 508-511,  
14 524-527 and 532-535) for the reasons stated in Defendants' objections to Request Nos. 508-511,  
15 524-527 and 532-535.

16 Subject to the General Objections and Responses and these specific objections, after a  
17 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
18 sufficient knowledge and information to either admit or deny these requests, as the information  
19 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
20 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

21 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 538:**

22 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
23 General Objections noted above. Defendants' response is based solely on Defendant  
24 TomorrowNow's knowledge with respect to the information sought in this request because  
25 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
26 information provided by Defendant TomorrowNow in this response. Defendants object to the  
27 request because the terms "fix," "update," "generating," "use," "test," "DEV' environment,"  
28 and "TST' environment" make this request overly broad, vague and ambiguous. Defendants also



1 object to the terms “generic environment,” “‘DEV’ Environment” and “‘TST’ Environment” (as  
2 the terms were used in Request Nos. 508-511, 524-527 and 532-535) for the reasons stated in  
3 Defendants’ objections to Request Nos. 508-511, 524-527 and 532-535. Defendants object that  
4 the phrase “which TN had developed in the ‘DEV’ environment” as being subject to multiple  
5 meanings and, as such, being overly broad, vague and ambiguous. Further, Exhibit A lists the  
6 names of “master bundles” as that phrase was used by TomorrowNow in the SAS database.  
7 TomorrowNow’s “master bundles” are not the actual objects included in fixes or updates that are  
8 developed for TomorrowNow’s customers. “Master bundles” and “master fixes” are records that  
9 describe the issue to be addressed and then serve as a record keeping device and reference for that  
10 issue and related activity TomorrowNow undertook to address that issue. The actual  
11 development of customer-specific objects included in customer-specific fixes and updates was  
12 referenced to a “master bundle” or “master fix” record for identification and record keeping  
13 purposes. Thus, if this request seeks an admission related to each and every object related to each  
14 and every customer-specific fix or update that TomorrowNow developed, then this single request  
15 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
16 impermissibly seek regarding the 33,185 objects listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third  
17 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
18 intent of this request, then to respond to this request, Defendants would have to analyze each  
19 individual object in each fix or update contained within each master bundle. Defendants,  
20 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
21 because it seeks an admission regarding thousands of separate activities that (1) involved many  
22 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
23 would require Defendants to review enormous volumes of business records to attempt to  
24 determine an answer, if possible, for each of the numerous objects contained within the  
25 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
26 Defendants’ burden associated with responding to this request is substantially similar to the  
27 burden for Plaintiffs to obtain the information sought through this request, especially because the  
28 available documents, data and other information from which the answer, if any, could be derived

1 in response to this request have been produced by Defendants in response to Plaintiffs' other  
2 discovery requests and thus any relevant, available information is now as equally accessible to  
3 Plaintiffs as it is to Defendants. Further, in providing this response, Defendants are defining  
4 "some" as "more than one" as suggested by Plaintiffs in their August 10, 2009 meet and confer  
5 letter. Subject to and without waiving the foregoing objections and qualifications, Defendants  
6 respond as follows:

7 ADMITTED on the following qualified basis: For some of the objects (meaning more  
8 than one) associated with the master bundle records referenced in the first two columns of Exhibit  
9 A, one step in the process for generating the object was to use an environment specific to  
10 TomorrowNow's retrofit support of specific TomorrowNow customers with "tst" in its name to  
11 test the object. To the extent not admitted, this request is DENIED.

12 **REQUEST FOR ADMISSION NO. 539:**

13 Admit that for at least one Fix or Update listed in the first two columns of Exhibit A, one  
14 step in the process of generating that Fix or Update was to use the "TST" Environment (as the  
15 term is used in Requests Nos. 532-535) to test the Fix or Update which TN had Developed in the  
16 "DEV" Environment (as the term is used in Requests Nos. 524-527).

17 **RESPONSE TO REQUEST FOR ADMISSION NO. 539:**

18 Defendants object to this request on the grounds stated in the General Objections and  
19 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
20 respect to the information sought in this request because Defendants SAP AG and SAP America  
21 have no additional knowledge separate and apart from the information provided by Defendant  
22 TomorrowNow in this response. Defendants object to the request because the terms "Fix,"  
23 "Update," "generating," "use," "developed," "test," "'DEV' environment" and "'TST'  
24 environment" are subject to multiple meanings and, as such, are overly broad, vague, and  
25 ambiguous. Defendants object that the phrase "which TN had developed in the 'DEV'  
26 environment" as being subject to multiple meanings and, as such, being vague and ambiguous.  
27 Further, Exhibit A lists the names of master bundles as that term was used by TomorrowNow in  
28 the SAS database. The master bundles are not the actual objects that are developed for

1 TomorrowNow customers. Master bundles and master fixes are records that simply identify  
2 problems for which TomorrowNow generally developed objects to resolve. The object  
3 development often took place at the release level, source level, and customer level. If this request  
4 is actually asking for information related to each and every object TomorrowNow developed, this  
5 number is more in line with the 33,185 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of  
6 Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this  
7 question, Defendants would have to analyze each individual object in each fix or update  
8 contained within each master bundle. Defendants, therefore, object to this request as compound  
9 and unduly burdensome in that this request seeks information and activities that (1) involved  
10 many thousands of objects, (2) involved numerous employees, (3) took place over several years,  
11 and (4) would require Defendants to review substantial business records to determine an answer,  
12 if possible, for each of the numerous numbers of objects contained within the fixes and updates,  
13 and Defendants' burden in doing so would be substantially similar to the burden for Plaintiffs to  
14 do so given that the available information is at least as equally accessible to Plaintiffs as it is to  
15 Defendants. Defendants also object to the terms "extended support environment," "DEV'  
16 Environment" and "TST' Environment" (as the terms were used in Request Nos. 508-511,  
17 524-527 and 532-535) for the reasons stated in Defendants' objections to Request Nos. 508-511,  
18 524-527 and 532-535.

19 Subject to the General Objections and Responses and these specific objections, after a  
20 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
21 sufficient knowledge and information to either admit or deny these requests, as the information  
22 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
23 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

24 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 539:**

25 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
26 General Objections noted above. Defendants' response is based solely on Defendant  
27 TomorrowNow's knowledge with respect to the information sought in this request because  
28 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the

1 information provided by Defendant TomorrowNow in this response. Defendants object to the  
2 request because the terms “fix,” “update,” “generating,” “use,” “test,” “‘DEV’ environment,”  
3 and “TST’ environment” make this request overly broad, vague and ambiguous. Defendants also  
4 object to the terms “generic environment,” “‘DEV’ Environment” and “‘TST’ Environment” (as  
5 the terms were used in Request Nos. 508-511, 524-527 and 532-535) for the reasons stated in  
6 Defendants’ objections to Request Nos. 508-511, 524-527 and 532-535. Defendants object that  
7 the phrase “which TN had developed in the ‘DEV’ environment” as being subject to multiple  
8 meanings and, as such, being overly broad, vague and ambiguous. Further, Exhibit A lists the  
9 names of “master bundles” as that phrase was used by TomorrowNow in the SAS database.  
10 TomorrowNow’s “master bundles” are not the actual objects included in fixes or updates that are  
11 developed for TomorrowNow’s customers. “Master bundles” and “master fixes” are records that  
12 describe the issue to be addressed and then serve as a record keeping device and reference for that  
13 issue and related activity TomorrowNow undertook to address that issue. The actual  
14 development of customer-specific objects included in customer-specific fixes and updates was  
15 referenced to a “master bundle” or “master fix” record for identification and record keeping  
16 purposes. Thus, if this request seeks an admission related to each and every object related to each  
17 and every customer-specific fix or update that TomorrowNow developed, then this single request  
18 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
19 impermissibly seek regarding the 33,185 objects listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third  
20 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
21 intent of this request, then to respond to this request, Defendants would have to analyze each  
22 individual object in each fix or update contained within each master bundle. Defendants,  
23 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
24 because it seeks an admission regarding thousands of separate activities that (1) involved many  
25 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
26 would require Defendants to review enormous volumes of business records to attempt to  
27 determine an answer, if possible, for each of the numerous objects contained within the  
28 referenced fixes and updates. Moreover, Defendants object to this request on the basis that

1 Defendants' burden associated with responding to this request is substantially similar to the  
2 burden for Plaintiffs to obtain the information sought through this request, especially because the  
3 available documents, data and other information from which the answer, if any, could be derived  
4 in response to this request have been produced by Defendants in response to Plaintiffs' other  
5 discovery requests and thus any relevant, available information is now as equally accessible to  
6 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
7 qualifications, Defendants respond as follows:

8 ADMITTED on the following qualified basis: For at least one of the objects associated  
9 with the master bundle records referenced in the first two columns of Exhibit A, one step in the  
10 process for generating the object was to use an environment specific to TomorrowNow's retrofit  
11 support of specific TomorrowNow customers with "tst" in its name to test the object. To the  
12 extent not admitted, this request is DENIED.

13 **REQUEST FOR ADMISSION NO. 540:**

14 Admit that in order to generate each Fix or Update listed in the first two columns of  
15 Exhibit A, part of TN's process was to compare Fix Objects in a Copy of one of its "extended  
16 support environments" (as the term is used in Requests Nos. 508-511) with Fix Objects in a  
17 different Copy of one of its "extended support environments" for an earlier release.

18 **RESPONSE TO REQUEST FOR ADMISSION NO. 540:**

19 Defendants object to this request on the grounds stated in the General Objections and  
20 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
21 respect to the information sought in this request because Defendants SAP AG and SAP America  
22 have no additional knowledge separate and apart from the information provided by Defendant  
23 TomorrowNow in this response. Defendants object to the request because the terms "Fix,"  
24 "Update," "generate," "compare," "copy," and "extended support environments" are subject to  
25 multiple meanings and, as such, are overly broad, vague, and ambiguous. Defendants further  
26 object to the term "Fix Objects" as overly broad, vague, and inaccurate to the extent it includes  
27 the phrase "discrete unit of code." Defendants respond as if the undefined term "object" was used  
28 in "Fix Objects" place. Further, Exhibit A lists the names of master bundles as that term was

1 used by TomorrowNow in the SAS database. The master bundles are not the actual objects that  
2 are developed for TomorrowNow customers. Master bundles and master fixes are records that  
3 simply identify problems for which TomorrowNow generally developed objects to resolve. The  
4 object development often took place at the release level, source level, and customer level. If this  
5 request is actually asking for information related to each and every object TomorrowNow  
6 developed, this number is more in line with the 33,185 listed in Plaintiffs' Exhibit D to Plaintiffs'  
7 Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To  
8 respond to this question, Defendants would have to analyze each individual object in each fix or  
9 update contained within each master bundle. Defendants, therefore, object to this request as  
10 compound and unduly burdensome in that this request seeks information and activities that (1)  
11 involved many thousands of objects, (2) involved numerous employees, (3) took place over  
12 several years, and (4) would require Defendants to review substantial business records to  
13 determine an answer, if possible, for each of the numerous numbers of objects contained within  
14 the fixes and updates, and Defendants' burden in doing so would be substantially similar to the  
15 burden for Plaintiffs to do so given that the available information is at least as equally accessible  
16 to Plaintiffs as it is to Defendants. Defendants also object to the term "extended support  
17 environment" (as the term was used in Request Nos. 508-511) for the reasons stated in  
18 Defendants' objections to Request Nos. 508-511.

19 Subject to the General Objections and Responses and these specific objections, after a  
20 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
21 sufficient knowledge and information to either admit or deny these requests, as the information  
22 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
23 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

24 **AMENDED REQUEST FOR ADMISSION NO. 540:**

25 Admit that in order to generate each Fix or Update listed in the first two columns of  
26 Exhibit A, part of TN's process was to compare Fix Objects in a Copy of one of its Generic  
27 Environments with Fix Objects in a different Copy of one of its Generic Environments for an  
28 earlier release.

**AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 540:**

Defendants incorporate by reference, as if fully set forth herein, all of Defendants' General Objections noted above. Defendants' response is based solely on Defendant TomorrowNow's knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant TomorrowNow in this response. Defendants object to the request because the terms "fix," "update," "generate," "compare," "copy," and "generic environments" make this request overly broad, vague and ambiguous. "Generic Environments" is a term created by Plaintiffs and as used and defined by Plaintiffs is misleading by attempting to suggest that any such environments or environment components were not used for limited customers, scope or purpose. Defendants further object to the definition of "Generic Environments" to the extent it incorporates the overly broad, unduly burdensome, and vague term "environments," to which Defendants object above. Further, Exhibit A lists the names of "master bundles" as that phrase was used by TomorrowNow in the SAS database. TomorrowNow's "master bundles" are not the actual objects included in fixes or updates that are developed for TomorrowNow's customers. "Master bundles" and "master fixes" are records that describe the issue to be addressed and then serve as a record keeping device and reference for that issue and related activity TomorrowNow undertook to address that issue. The actual development of customer-specific objects included in customer-specific fixes and updates was referenced to a "master bundle" or "master fix" record for identification and record keeping purposes. Thus, if this request seeks an admission related to each and every object related to each and every customer-specific fix or update that TomorrowNow developed, then this single request impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this request, Defendants would have to analyze each individual object in each fix or update contained within each master bundle. Defendants, therefore, object on the basis that this request is compound, overly broad and unduly burdensome

1 because it seeks an admission regarding thousands of separate activities that (1) involved many  
2 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
3 would require Defendants to review enormous volumes of business records to attempt to  
4 determine an answer, if possible, for each of the numerous objects contained within the  
5 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
6 Defendants' burden associated with responding to this request is substantially similar to the  
7 burden for Plaintiffs to obtain the information sought through this request, especially because the  
8 available documents, data and other information from which the answer, if any, could be derived  
9 in response to this request have been produced by Defendants in response to Plaintiffs' other  
10 discovery requests and thus any relevant, available information is now as equally accessible to  
11 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
12 qualifications, Defendants respond as follows:

13 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
14 information Defendants currently know or can readily obtain, Defendants have insufficient  
15 information to admit or deny this request.

16 **REQUEST FOR ADMISSION NO. 541:**

17 Admit that in order to generate the majority of Fixes or Updates listed in the first two  
18 columns of Exhibit A, part of TN's process was to compare Fix Objects in a Copy of one of its  
19 "extended support environments" (as the term is used in Requests Nos. 508-511) with Fix Objects  
20 in a different Copy of one of its "extended support environments" for an earlier release.

21 **RESPONSE TO REQUEST FOR ADMISSION NO. 541:**

22 Defendants object to this request on the grounds stated in the General Objections and  
23 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
24 respect to the information sought in this request because Defendants SAP AG and SAP America  
25 have no additional knowledge separate and apart from the information provided by Defendant  
26 TomorrowNow in this response. Defendants object to the request because the terms "Fix(es),"  
27 "Update," "majority," "generate," "compare," "copy," and "extended support environments" are  
28 subject to multiple meanings and, as such, are overly broad, vague, and ambiguous. Defendants



1 further object to the term “Fix Objects” as overly broad, vague, and inaccurate to the extent it  
2 includes the phrase “discrete unit of code.” Defendants respond as if the undefined term “object”  
3 was used in “Fix Objects” place. Further, Exhibit A lists the names of master bundles as that  
4 term was used by TomorrowNow in the SAS database. The master bundles are not the actual  
5 objects that are developed for TomorrowNow customers. Master bundles and master fixes are  
6 records that simply identify problems for which TomorrowNow generally developed objects to  
7 resolve. The object development often took place at the release level, source level, and customer  
8 level. If this request is actually asking for information related to each and every object  
9 TomorrowNow developed, this number is more in line with the 33,185 listed in Plaintiffs’ Exhibit  
10 D to Plaintiffs’ Third Set of Requests for Admissions to SAP AG, SAP America, and  
11 TomorrowNow. To respond to this question, Defendants would have to analyze each individual  
12 object in each fix or update contained within each master bundle. Defendants, therefore, object to  
13 this request as compound and unduly burdensome in that this request seeks information and  
14 activities that (1) involved many thousands of objects, (2) involved numerous employees, (3) took  
15 place over several years, and (4) would require Defendants to review substantial business records  
16 to determine an answer, if possible, for each of the numerous numbers of objects contained within  
17 the fixes and updates, and Defendants’ burden in doing so would be substantially similar to the  
18 burden for Plaintiffs to do so given that the available information is at least as equally accessible  
19 to Plaintiffs as it is to Defendants. Defendants also object to the term “extended support  
20 environment” (as the term was used in Request Nos. 508-511) for the reasons stated in  
21 Defendants’ objections to Request Nos. 508-511.

22 Subject to the General Objections and Responses and these specific objections, after a  
23 reasonable inquiry and based on Defendants’ understanding of these questions, Defendants lack  
24 sufficient knowledge and information to either admit or deny these requests, as the information  
25 sought was not tracked, recorded, or maintained by TomorrowNow in a “readily obtainable  
26 manner.” Based on all of the reasons and objections stated above, these requests are DENIED.

27 **AMENDED REQUEST FOR ADMISSION NO. 541:**

28 Admit that in order to generate the majority of Fixes or Updates listed in the first two

1 columns of Exhibit A, part of TN's process was to compare Fix Objects in a Copy of one of its  
2 Generic Environments with Fix Objects in a different Copy of one of its Generic Environments  
3 for an earlier release.

4 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 541:**

5 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
6 General Objections noted above. Defendants' response is based solely on Defendant  
7 TomorrowNow's knowledge with respect to the information sought in this request because  
8 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
9 information provided by Defendant TomorrowNow in this response. Defendants object to the  
10 request because the terms "fix," "update," "generate," "compare," "copy," and "generic  
11 environments" make this request overly broad, vague and ambiguous. "Generic Environments" is  
12 a term created by Plaintiffs and as used and defined by Plaintiffs is misleading by attempting to  
13 suggest that any such environments or environment components were not used for limited  
14 customers, scope or purpose. Defendants further object to the definition of "Generic  
15 Environments" to the extent it incorporates the overly broad, unduly burdensome, and vague term  
16 "environments," to which Defendants object above. Further, Exhibit A lists the names of "master  
17 bundles" as that phrase was used by TomorrowNow in the SAS database. TomorrowNow's  
18 "master bundles" are not the actual objects included in fixes or updates that are developed for  
19 TomorrowNow's customers. "Master bundles" and "master fixes" are records that describe the  
20 issue to be addressed and then serve as a record keeping device and reference for that issue and  
21 related activity TomorrowNow undertook to address that issue. The actual development of  
22 customer-specific objects included in customer-specific fixes and updates was referenced to a  
23 "master bundle" or "master fix" record for identification and record keeping purposes. Thus, if  
24 this request seeks an admission related to each and every object related to each and every  
25 customer-specific fix or update that TomorrowNow developed, then this single request  
26 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
27 impermissibly seek regarding the 33,185 objects listed in Plaintiffs' Exhibit D to Plaintiffs' Third  
28 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the

1 intent of this request, then to respond to this request, Defendants would have to analyze each  
2 individual object in each fix or update contained within each master bundle. Defendants,  
3 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
4 because it seeks an admission regarding thousands of separate activities that (1) involved many  
5 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
6 would require Defendants to review enormous volumes of business records to attempt to  
7 determine an answer, if possible, for each of the numerous objects contained within the  
8 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
9 Defendants' burden associated with responding to this request is substantially similar to the  
10 burden for Plaintiffs to obtain the information sought through this request, especially because the  
11 available documents, data and other information from which the answer, if any, could be derived  
12 in response to this request have been produced by Defendants in response to Plaintiffs' other  
13 discovery requests and thus any relevant, available information is now as equally accessible to  
14 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
15 qualifications, Defendants respond as follows:

16 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
17 information Defendants currently know or can readily obtain, Defendants have insufficient  
18 information to admit or deny this request.

19 **REQUEST FOR ADMISSION NO. 542:**

20 Admit that in order to generate some Fixes or Updates listed in the first two columns of  
21 Exhibit A, part of TN's process was to compare Fix Objects in a Copy of one of its "extended  
22 support environments" (as the term is used in Requests Nos. 508-511) with Fix Objects in a  
23 different Copy of one of its "extended support environments" for an earlier release.

24 **RESPONSE TO REQUEST FOR ADMISSION NO. 542:**

25 Defendants object to this request on the grounds stated in the General Objections and  
26 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
27 respect to the information sought in this request because Defendants SAP AG and SAP America  
28 have no additional knowledge separate and apart from the information provided by Defendant

1 TomorrowNow in this response. Defendants object to the request because the terms “Fix(es),”  
2 “Update,” “generate,” “compare,” “copy,” “some,” and “extended support environments” are  
3 subject to multiple meanings and, as such, are overly broad, vague, and ambiguous. Defendants  
4 further object to the term “Fix Objects” as overly broad, vague, and inaccurate to the extent it  
5 includes the phrase “discrete unit of code.” Defendants respond as if the undefined term “object”  
6 was used in “Fix Objects” place. Further, Exhibit A lists the names of master bundles as that  
7 term was used by TomorrowNow in the SAS database. The master bundles are not the actual  
8 objects that are developed for TomorrowNow customers. Master bundles and master fixes are  
9 records that simply identify problems for which TomorrowNow generally developed objects to  
10 resolve. The object development often took place at the release level, source level, and customer  
11 level. If this request is actually asking for information related to each and every object  
12 TomorrowNow developed, this number is more in line with the 33,185 listed in Plaintiffs’ Exhibit  
13 D to Plaintiffs’ Third Set of Requests for Admissions to SAP AG, SAP America, and  
14 TomorrowNow. To respond to this question, Defendants would have to analyze each individual  
15 object in each fix or update contained within each master bundle. Defendants, therefore, object to  
16 this request as compound and unduly burdensome in that this request seeks information and  
17 activities that (1) involved many thousands of objects, (2) involved numerous employees, (3) took  
18 place over several years, and (4) would require Defendants to review substantial business records  
19 to determine an answer, if possible, for each of the numerous numbers of objects contained within  
20 the fixes and updates, and Defendants’ burden in doing so would be substantially similar to the  
21 burden for Plaintiffs to do so given that the available information is at least as equally accessible  
22 to Plaintiffs as it is to Defendants. Defendants also object to the term “extended support  
23 environment” (as the term was used in Request Nos. 508-511) for the reasons stated in  
24 Defendants’ objections to Request Nos. 508-511.

25 Subject to the General Objections and Responses and these specific objections, after a  
26 reasonable inquiry and based on Defendants’ understanding of these questions, Defendants lack  
27 sufficient knowledge and information to either admit or deny these requests, as the information  
28 sought was not tracked, recorded, or maintained by TomorrowNow in a “readily obtainable

1 manner.” Based on all of the reasons and objections stated above, these requests are DENIED.

2 **AMENDED REQUEST FOR ADMISSION NO. 542:**

3 Admit that in order to generate some Fixes or Updates listed in the first two columns of  
4 Exhibit A, part of TN’s process was to compare Fix Objects in a Copy of one of its Generic  
5 Environments with Fix Objects in a different Copy of one of its Generic Environments for an  
6 earlier release.

7 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 542:**

8 Defendants incorporate by reference, as if fully set forth herein, all of Defendants’  
9 General Objections noted above. Defendants’ response is based solely on Defendant  
10 TomorrowNow’s knowledge with respect to the information sought in this request because  
11 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
12 information provided by Defendant TomorrowNow in this response. Defendants object to the  
13 request because the terms “fix,” “update,” “generate,” “compare,” “copy,” and “generic  
14 environments” make this request overly broad, vague and ambiguous. “Generic Environments” is  
15 a term created by Plaintiffs and as used and defined by Plaintiffs is misleading by attempting to  
16 suggest that any such environments or environment components were not used for limited  
17 customers, scope or purpose. Defendants further object to the definition of “Generic  
18 Environments” to the extent it incorporates the overly broad, unduly burdensome, and vague term  
19 “environments,” to which Defendants object above. Further, Exhibit A lists the names of “master  
20 bundles” as that phrase was used by TomorrowNow in the SAS database. TomorrowNow’s  
21 “master bundles” are not the actual objects included in fixes or updates that are developed for  
22 TomorrowNow’s customers. “Master bundles” and “master fixes” are records that describe the  
23 issue to be addressed and then serve as a record keeping device and reference for that issue and  
24 related activity TomorrowNow undertook to address that issue. The actual development of  
25 customer-specific objects included in customer-specific fixes and updates was referenced to a  
26 “master bundle” or “master fix” record for identification and record keeping purposes. Thus, if  
27 this request seeks an admission related to each and every object related to each and every  
28 customer-specific fix or update that TomorrowNow developed, then this single request

1 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
2 impermissibly seek regarding the 33,185 objects listed in Plaintiffs' Exhibit D to Plaintiffs' Third  
3 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
4 intent of this request, then to respond to this request, Defendants would have to analyze each  
5 individual object in each fix or update contained within each master bundle. Defendants,  
6 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
7 because it seeks an admission regarding thousands of separate activities that (1) involved many  
8 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
9 would require Defendants to review enormous volumes of business records to attempt to  
10 determine an answer, if possible, for each of the numerous objects contained within the  
11 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
12 Defendants' burden associated with responding to this request is substantially similar to the  
13 burden for Plaintiffs to obtain the information sought through this request, especially because the  
14 available documents, data and other information from which the answer, if any, could be derived  
15 in response to this request have been produced by Defendants in response to Plaintiffs' other  
16 discovery requests and thus any relevant, available information is now as equally accessible to  
17 Plaintiffs as it is to Defendants. Further, in providing this response, Defendants are defining  
18 "some" as "more than one" as suggested by Plaintiffs in their August 10, 2009 meet and confer  
19 letter. Subject to and without waiving the foregoing objections and qualifications, Defendants  
20 respond as follows:

21 ADMITTED on the following qualified basis: For some of the objects (meaning more  
22 than one) associated with the master bundle records referenced in the first two columns of Exhibit  
23 A, one step in the process for generating the object was to compare the object in one environment  
24 specific to TomorrowNow's retrofit support of specific TomorrowNow customers to the same  
25 named object in an earlier release environment specific to TomorrowNow's retrofit support of  
26 specific TomorrowNow customers. To the extent not admitted, this request is DENIED.

27 **REQUEST FOR ADMISSION NO. 543:**

28 Admit that in order to generate at least one Fix or Update listed in the first two columns of

1 Exhibit A, part of TN's process was to compare Fix Objects in a Copy of one of its "extended  
2 support environments" (as the term is used in Requests Nos. 508-511) with Fix Objects in a  
3 different Copy of one of its "extended support environments" for an earlier release.

4 **RESPONSE TO REQUEST FOR ADMISSION NO. 543:**

5 Defendants object to this request on the grounds stated in the General Objections and  
6 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
7 respect to the information sought in this request because Defendants SAP AG and SAP America  
8 have no additional knowledge separate and apart from the information provided by Defendant  
9 TomorrowNow in this response. Defendants object to the request because the terms "Fix,"  
10 "Update," "generate," "compare," "copy," and "extended support environments" are subject to  
11 multiple meanings and, as such, are overly broad, vague, and ambiguous. Defendants further  
12 object to the term "Fix Objects" as overly broad, vague, and inaccurate to the extent it includes  
13 the phrase "discrete unit of code." Defendants respond as if the undefined term "object" was used  
14 in "Fix Objects" place. Further, Exhibit A lists the names of master bundles as that term was  
15 used by TomorrowNow in the SAS database. The master bundles are not the actual objects that  
16 are developed for TomorrowNow customers. Master bundles and master fixes are records that  
17 simply identify problems for which TomorrowNow generally developed objects to resolve. The  
18 object development often took place at the release level, source level, and customer level. If this  
19 request is actually asking for information related to each and every object TomorrowNow  
20 developed, this number is more in line with the 33,185 listed in Plaintiffs' Exhibit D to Plaintiffs'  
21 Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To  
22 respond to this question, Defendants would have to analyze each individual object in each fix or  
23 update contained within each master bundle. Defendants, therefore, object to this request as  
24 compound and unduly burdensome in that this request seeks information and activities that (1)  
25 involved many thousands of objects, (2) involved numerous employees, (3) took place over  
26 several years, and (4) would require Defendants to review substantial business records to  
27 determine an answer, if possible, for each of the numerous numbers of objects contained within  
28 the fixes and updates, and Defendants' burden in doing so would be substantially similar to the

1 burden for Plaintiffs to do so given that the available information is at least as equally accessible  
2 to Plaintiffs as it is to Defendants. Defendants also object to the term “extended support  
3 environment” (as the term was used in Request Nos. 508-511) for the reasons stated in  
4 Defendants’ objections to Request Nos. 508-511.

5 Subject to the General Objections and Responses and these specific objections, after a  
6 reasonable inquiry and based on Defendants’ understanding of these questions, Defendants lack  
7 sufficient knowledge and information to either admit or deny these requests, as the information  
8 sought was not tracked, recorded, or maintained by TomorrowNow in a “readily obtainable  
9 manner.” Based on all of the reasons and objections stated above, these requests are DENIED.

10 **AMENDED REQUEST FOR ADMISSION NO. 543:**

11 Admit that in order to generate at least one Fix or Update listed in the first two columns of  
12 Exhibit A, part of TN’s process was to compare Fix Objects in a Copy of one of its Generic  
13 Environments with Fix Objects in a different Copy of one of its Generic Environments for an  
14 earlier release.

15 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 543:**

16 Defendants incorporate by reference, as if fully set forth herein, all of Defendants’  
17 General Objections noted above. Defendants’ response is based solely on Defendant  
18 TomorrowNow’s knowledge with respect to the information sought in this request because  
19 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
20 information provided by Defendant TomorrowNow in this response. Defendants object to the  
21 request because the terms “fix,” “update,” “generate,” “compare,” “copy,” and “generic  
22 environments” make this request overly broad, vague and ambiguous. “Generic Environments” is  
23 a term created by Plaintiffs and as used and defined by Plaintiffs is misleading by attempting to  
24 suggest that any such environments or environment components were not used for limited  
25 customers, scope or purpose. Defendants further object to the definition of “Generic  
26 Environments” to the extent it incorporates the overly broad, unduly burdensome, and vague term  
27 “environments,” to which Defendants object above. Further, Exhibit A lists the names of “master  
28 bundles” as that phrase was used by TomorrowNow in the SAS database. TomorrowNow’s



1 “master bundles” are not the actual objects included in fixes or updates that are developed for  
2 TomorrowNow’s customers. “Master bundles” and “master fixes” are records that describe the  
3 issue to be addressed and then serve as a record keeping device and reference for that issue and  
4 related activity TomorrowNow undertook to address that issue. The actual development of  
5 customer-specific objects included in customer-specific fixes and updates was referenced to a  
6 “master bundle” or “master fix” record for identification and record keeping purposes. Thus, if  
7 this request seeks an admission related to each and every object related to each and every  
8 customer-specific fix or update that TomorrowNow developed, then this single request  
9 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
10 impermissibly seek regarding the 33,185 objects listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third  
11 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
12 intent of this request, then to respond to this request, Defendants would have to analyze each  
13 individual object in each fix or update contained within each master bundle. Defendants,  
14 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
15 because it seeks an admission regarding thousands of separate activities that (1) involved many  
16 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
17 would require Defendants to review enormous volumes of business records to attempt to  
18 determine an answer, if possible, for each of the numerous objects contained within the  
19 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
20 Defendants’ burden associated with responding to this request is substantially similar to the  
21 burden for Plaintiffs to obtain the information sought through this request, especially because the  
22 available documents, data and other information from which the answer, if any, could be derived  
23 in response to this request have been produced by Defendants in response to Plaintiffs’ other  
24 discovery requests and thus any relevant, available information is now as equally accessible to  
25 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
26 qualifications, Defendants respond as follows:

27 ADMITTED on the following qualified basis: For at least one of the objects associated  
28 with the master bundle records referenced in the first two columns of Exhibit A, one step in the

1 process for generating the object was to compare the object in one environment specific to  
2 TomorrowNow's retrofit support of specific TomorrowNow customers to the same named object  
3 in an earlier release environment specific to TomorrowNow's retrofit support of specific  
4 TomorrowNow customers. To the extent not admitted, this request is DENIED.

5 **REQUEST FOR ADMISSION NO. 544:**

6 Admit that in order to generate each Fix or Update listed in the first two columns of  
7 Exhibit A, part of TN's process was to compare Fix Objects in a Copy of one of its "extended  
8 support environments" (as the term is used in Requests Nos. 508-511) with Fix Objects in a  
9 different Copy of one of its "extended support environments" for an earlier release in part to  
10 identify PeopleSoft's or Oracle's changes.

11 **RESPONSE TO REQUEST FOR ADMISSION NO. 544:**

12 Defendants object to this request on the grounds stated in the General Objections and  
13 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
14 respect to the information sought in this request because Defendants SAP AG and SAP America  
15 have no additional knowledge separate and apart from the information provided by Defendant  
16 TomorrowNow in this response. Defendants object to the request because the terms "Fix,"  
17 "Update," "generate," "compare," "copy," and "extended support environments" are subject to  
18 multiple meanings and, as such, are overly broad, vague, and ambiguous. Defendants object to  
19 the phrase "in part to identify PeopleSoft's or Oracle's changes" as being subject to multiple  
20 meanings and, as such, being vague and ambiguous. Defendants further object to the term "Fix  
21 Objects" as overly broad, vague, and inaccurate to the extent it includes the phrase "discrete unit  
22 of code." Defendants respond as if the undefined term "object" was used in "Fix Objects" place.  
23 Further, Exhibit A lists the names of master bundles as that term was used by TomorrowNow in  
24 the SAS database. The master bundles are not the actual objects that are developed for  
25 TomorrowNow customers. Master bundles and master fixes are records that simply identify  
26 problems for which TomorrowNow generally developed objects to resolve. The object  
27 development often took place at the release level, source level, and customer level. If this request  
28 is actually asking for information related to each and every object TomorrowNow developed, this

1 number is more in line with the 33,185 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of  
2 Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this  
3 question, Defendants would have to analyze each individual object in each fix or update  
4 contained within each master bundle. Defendants, therefore, object to this request as compound  
5 and unduly burdensome in that this request seeks information and activities that (1) involved  
6 many thousands of objects, (2) involved numerous employees, (3) took place over several years,  
7 and (4) would require Defendants to review substantial business records to determine an answer,  
8 if possible, for each of the numerous numbers of objects contained within the fixes and updates,  
9 and Defendants' burden in doing so would be substantially similar to the burden for Plaintiffs to  
10 do so given that the available information is at least as equally accessible to Plaintiffs as it is to  
11 Defendants. Defendants also object to the term "extended support environment" (as the term was  
12 used in Request Nos. 508-511) for the reasons stated in Defendants' objections to Request Nos.  
13 508-511.

14 Subject to the General Objections and Responses and these specific objections, after a  
15 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
16 sufficient knowledge and information to either admit or deny these requests, as the information  
17 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
18 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

19 **AMENDED REQUEST FOR ADMISSION NO. 544:**

20 Admit that in order to generate each Fix or Update listed in the first two columns of  
21 Exhibit A, part of TN's process was to compare Fix Objects in a Copy of one of its Generic  
22 Environments with Fix Objects in a different Copy of one of its Generic Environments for an  
23 earlier release in part to identify PeopleSoft's or Oracle's changes.

24 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 544:**

25 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
26 General Objections noted above. Defendants' response is based solely on Defendant  
27 TomorrowNow's knowledge with respect to the information sought in this request because  
28 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the

1 information provided by Defendant TomorrowNow in this response. Defendants object to the  
2 request because the terms “fix,” “update,” “generate,” “compare,” “copy,” and “generic  
3 environments” make this request overly broad, vague and ambiguous. “Generic Environments” is  
4 a term created by Plaintiffs and as used and defined by Plaintiffs is misleading by attempting to  
5 suggest that any such environments or environment components were not used for limited  
6 customers, scope or purpose. Defendants further object to the definition of “Generic  
7 Environments” to the extent it incorporates the overly broad, unduly burdensome, and vague term  
8 “environments,” to which Defendants object above. Defendants object to the phrase “in part to  
9 identify PeopleSoft’s or Oracle’s changes” as being subject to multiple meanings and, as such,  
10 being overly broad, vague and ambiguous. Further, Exhibit A lists the names of “master bundles”  
11 as that phrase was used by TomorrowNow in the SAS database. TomorrowNow’s “master  
12 bundles” are not the actual objects included in fixes or updates that are developed for  
13 TomorrowNow’s customers. “Master bundles” and “master fixes” are records that describe the  
14 issue to be addressed and then serve as a record keeping device and reference for that issue and  
15 related activity TomorrowNow undertook to address that issue. The actual development of  
16 customer-specific objects included in customer-specific fixes and updates was referenced to a  
17 “master bundle” or “master fix” record for identification and record keeping purposes. Thus, if  
18 this request seeks an admission related to each and every object related to each and every  
19 customer-specific fix or update that TomorrowNow developed, then this single request  
20 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
21 impermissibly seek regarding the 33,185 objects listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third  
22 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
23 intent of this request, then to respond to this request, Defendants would have to analyze each  
24 individual object in each fix or update contained within each master bundle. Defendants,  
25 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
26 because it seeks an admission regarding thousands of separate activities that (1) involved many  
27 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
28 would require Defendants to review enormous volumes of business records to attempt to

1 determine an answer, if possible, for each of the numerous objects contained within the  
2 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
3 Defendants' burden associated with responding to this request is substantially similar to the  
4 burden for Plaintiffs to obtain the information sought through this request, especially because the  
5 available documents, data and other information from which the answer, if any, could be derived  
6 in response to this request have been produced by Defendants in response to Plaintiffs' other  
7 discovery requests and thus any relevant, available information is now as equally accessible to  
8 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
9 qualifications, Defendants respond as follows:

10 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
11 information Defendants currently know or can readily obtain, Defendants have insufficient  
12 information to admit or deny this request.

13 **REQUEST FOR ADMISSION NO. 545:**

14 Admit that in order to generate the majority of Fixes or Updates listed in the first two  
15 columns of Exhibit A, part of TN's process was to compare Fix Objects in a Copy of one of its  
16 "extended support environments" (as the term is used in Requests Nos. 508-511) with Fix Objects  
17 in a different Copy of one of its "extended support environments" for an earlier release in part to  
18 identify PeopleSoft's or Oracle's changes.

19 **RESPONSE TO REQUEST FOR ADMISSION NO. 545:**

20 Defendants object to this request on the grounds stated in the General Objections and  
21 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
22 respect to the information sought in this request because Defendants SAP AG and SAP America  
23 have no additional knowledge separate and apart from the information provided by Defendant  
24 TomorrowNow in this response. Defendants object to the request because the terms "Fix(es),"  
25 "Updates," "majority," "generate," "compare," "copy," and "extended support environments" are  
26 subject to multiple meanings and, as such, are overly broad, vague, and ambiguous. Defendants  
27 object to the phrase "in part to identify PeopleSoft's or Oracle's changes" as being subject to  
28 multiple meanings and, as such, being vague and ambiguous. Defendants further object to the

1 term “Fix Objects” as overly broad, vague, and inaccurate to the extent it includes the phrase  
2 “discrete unit of code.” Defendants respond as if the undefined term “object” was used in “Fix  
3 Objects” place. Further, Exhibit A lists the names of master bundles as that term was used by  
4 TomorrowNow in the SAS database. The master bundles are not the actual objects that are  
5 developed for TomorrowNow customers. Master bundles and master fixes are records that  
6 simply identify problems for which TomorrowNow generally developed objects to resolve. The  
7 object development often took place at the release level, source level, and customer level. If this  
8 request is actually asking for information related to each and every object TomorrowNow  
9 developed, this number is more in line with the 33,185 listed in Plaintiffs’ Exhibit D to Plaintiffs’  
10 Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To  
11 respond to this question, Defendants would have to analyze each individual object in each fix or  
12 update contained within each master bundle. Defendants, therefore, object to this request as  
13 compound and unduly burdensome in that this request seeks information and activities that (1)  
14 involved many thousands of objects, (2) involved numerous employees, (3) took place over  
15 several years, and (4) would require Defendants to review substantial business records to  
16 determine an answer, if possible, for each of the numerous numbers of objects contained within  
17 the fixes and updates, and Defendants’ burden in doing so would be substantially similar to the  
18 burden for Plaintiffs to do so given that the available information is at least as equally accessible  
19 to Plaintiffs as it is to Defendants. Defendants also object to the term “extended support  
20 environment” (as the term was used in Request Nos. 508-511) for the reasons stated in  
21 Defendants’ objections to Request Nos. 508-511.

22 Subject to the General Objections and Responses and these specific objections, after a  
23 reasonable inquiry and based on Defendants’ understanding of these questions, Defendants lack  
24 sufficient knowledge and information to either admit or deny these requests, as the information  
25 sought was not tracked, recorded, or maintained by TomorrowNow in a “readily obtainable  
26 manner.” Based on all of the reasons and objections stated above, these requests are DENIED.

27 **AMENDED REQUEST FOR ADMISSION NO. 545:**

28 Admit that in order to generate the majority of Fixes or Updates listed in the first two

1 columns of Exhibit A, part of TN's process was to compare Fix Objects in a Copy of one of its  
2 Generic Environments with Fix Objects in a different Copy of one of its Generic Environments  
3 for an earlier release in part to identify PeopleSoft's or Oracle's changes.

4 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 545:**

5 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
6 General Objections noted above. Defendants' response is based solely on Defendant  
7 TomorrowNow's knowledge with respect to the information sought in this request because  
8 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
9 information provided by Defendant TomorrowNow in this response. Defendants object to the  
10 request because the terms "fix," "update," "generate," "compare," "copy," and "generic  
11 environments" make this request overly broad, vague and ambiguous. "Generic Environments" is  
12 a term created by Plaintiffs and as used and defined by Plaintiffs is misleading by attempting to  
13 suggest that any such environments or environment components were not used for limited  
14 customers, scope or purpose. Defendants further object to the definition of "Generic  
15 Environments" to the extent it incorporates the overly broad, unduly burdensome, and vague term  
16 "environments," to which Defendants object above. Defendants object to the phrase "in part to  
17 identify PeopleSoft's or Oracle's changes" as being subject to multiple meanings and, as such,  
18 being overly broad, vague and ambiguous. Further, Exhibit A lists the names of "master bundles"  
19 as that phrase was used by TomorrowNow in the SAS database. TomorrowNow's "master  
20 bundles" are not the actual objects included in fixes or updates that are developed for  
21 TomorrowNow's customers. "Master bundles" and "master fixes" are records that describe the  
22 issue to be addressed and then serve as a record keeping device and reference for that issue and  
23 related activity TomorrowNow undertook to address that issue. The actual development of  
24 customer-specific objects included in customer-specific fixes and updates was referenced to a  
25 "master bundle" or "master fix" record for identification and record keeping purposes. Thus, if  
26 this request seeks an admission related to each and every object related to each and every  
27 customer-specific fix or update that TomorrowNow developed, then this single request  
28 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs

1 impermissibly seek regarding the 33,185 objects listed in Plaintiffs' Exhibit D to Plaintiffs' Third  
2 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
3 intent of this request, then to respond to this request, Defendants would have to analyze each  
4 individual object in each fix or update contained within each master bundle. Defendants,  
5 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
6 because it seeks an admission regarding thousands of separate activities that (1) involved many  
7 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
8 would require Defendants to review enormous volumes of business records to attempt to  
9 determine an answer, if possible, for each of the numerous objects contained within the  
10 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
11 Defendants' burden associated with responding to this request is substantially similar to the  
12 burden for Plaintiffs to obtain the information sought through this request, especially because the  
13 available documents, data and other information from which the answer, if any, could be derived  
14 in response to this request have been produced by Defendants in response to Plaintiffs' other  
15 discovery requests and thus any relevant, available information is now as equally accessible to  
16 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
17 qualifications, Defendants respond as follows:

18 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
19 information Defendants currently know or can readily obtain, Defendants have insufficient  
20 information to admit or deny this request.

21 **REQUEST FOR ADMISSION NO. 546:**

22 Admit that in order to generate some Fixes or Updates listed in the first two columns of  
23 Exhibit A, part of TN's process was to compare Fix Objects in a Copy of one of its "extended  
24 support environments" (as the term is used in Requests Nos. 508-511) with Fix Objects in a  
25 different Copy of one of its "extended support environments" for an earlier release in part to  
26 identify PeopleSoft's or Oracle's changes.

27 **RESPONSE TO REQUEST FOR ADMISSION NO. 546:**

28 Defendants object to this request on the grounds stated in the General Objections and



1 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
2 respect to the information sought in this request because Defendants SAP AG and SAP America  
3 have no additional knowledge separate and apart from the information provided by Defendant  
4 TomorrowNow in this response. Defendants object to the request because the terms "Fix(es),"  
5 "Updates," "generate," "compare," "copy," "some" and "extended support environments" are  
6 subject to multiple meanings and, as such, are overly broad, vague, and ambiguous. Defendants  
7 object to the phrase "in part to identify PeopleSoft's or Oracle's changes" as being subject to  
8 multiple meanings and, as such, being vague and ambiguous. Defendants further object to the  
9 term "Fix Objects" as overly broad, vague, and inaccurate to the extent it includes the phrase  
10 "discrete unit of code." Defendants respond as if the undefined term "object" was used in "Fix  
11 Objects" place. Further, Exhibit A lists the names of master bundles as that term was used by  
12 TomorrowNow in the SAS database. The master bundles are not the actual objects that are  
13 developed for TomorrowNow customers. Master bundles and master fixes are records that  
14 simply identify problems for which TomorrowNow generally developed objects to resolve. The  
15 object development often took place at the release level, source level, and customer level. If this  
16 request is actually asking for information related to each and every object TomorrowNow  
17 developed, this number is more in line with the 33,185 listed in Plaintiffs' Exhibit D to Plaintiffs'  
18 Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To  
19 respond to this question, Defendants would have to analyze each individual object in each fix or  
20 update contained within each master bundle. Defendants, therefore, object to this request as  
21 compound and unduly burdensome in that this request seeks information and activities that (1)  
22 involved many thousands of objects, (2) involved numerous employees, (3) took place over  
23 several years, and (4) would require Defendants to review substantial business records to  
24 determine an answer, if possible, for each of the numerous numbers of objects contained within  
25 the fixes and updates, and Defendants' burden in doing so would be substantially similar to the  
26 burden for Plaintiffs to do so given that the available information is at least as equally accessible  
27 to Plaintiffs as it is to Defendants. Defendants also object to the term "extended support  
28 environment" (as the term was used in Request Nos. 508-511) for the reasons stated in

1 Defendants' objections to Request Nos. 508-511.

2 Subject to the General Objections and Responses and these specific objections, after a  
3 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
4 sufficient knowledge and information to either admit or deny these requests, as the information  
5 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
6 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

7 **AMENDED REQUEST FOR ADMISSION NO. 546:**

8 Admit that in order to generate some Fixes or Updates listed in the first two columns of  
9 Exhibit A, part of TN's process was to compare Fix Objects in a Copy of one of its Generic  
10 Environments with Fix Objects in a different Copy of one of its Generic Environments for an  
11 earlier release in part to identify PeopleSoft's or Oracle's changes.

12 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 546:**

13 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
14 General Objections noted above. Defendants' response is based solely on Defendant  
15 TomorrowNow's knowledge with respect to the information sought in this request because  
16 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
17 information provided by Defendant TomorrowNow in this response. Defendants object to the  
18 request because the terms "fix," "update," "generate," "compare," "copy," and "generic  
19 environments" make this request overly broad, vague and ambiguous. "Generic Environments" is  
20 a term created by Plaintiffs and as used and defined by Plaintiffs is misleading by attempting to  
21 suggest that any such environments or environment components were not used for limited  
22 customers, scope or purpose. Defendants further object to the definition of "Generic  
23 Environments" to the extent it incorporates the overly broad, unduly burdensome, and vague term  
24 "environments," to which Defendants object above. Defendants object to the phrase "in part to  
25 identify PeopleSoft's or Oracle's changes" as being subject to multiple meanings and, as such,  
26 being overly broad, vague and ambiguous. Further, Exhibit A lists the names of "master bundles"  
27 as that phrase was used by TomorrowNow in the SAS database. TomorrowNow's "master  
28 bundles" are not the actual objects included in fixes or updates that are developed for

1 TomorrowNow's customers. "Master bundles" and "master fixes" are records that describe the  
2 issue to be addressed and then serve as a record keeping device and reference for that issue and  
3 related activity TomorrowNow undertook to address that issue. The actual development of  
4 customer-specific objects included in customer-specific fixes and updates was referenced to a  
5 "master bundle" or "master fix" record for identification and record keeping purposes. Thus, if  
6 this request seeks an admission related to each and every object related to each and every  
7 customer-specific fix or update that TomorrowNow developed, then this single request  
8 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
9 impermissibly seek regarding the 33,185 objects listed in Plaintiffs' Exhibit D to Plaintiffs' Third  
10 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
11 intent of this request, then to respond to this request, Defendants would have to analyze each  
12 individual object in each fix or update contained within each master bundle. Defendants,  
13 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
14 because it seeks an admission regarding thousands of separate activities that (1) involved many  
15 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
16 would require Defendants to review enormous volumes of business records to attempt to  
17 determine an answer, if possible, for each of the numerous objects contained within the  
18 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
19 Defendants' burden associated with responding to this request is substantially similar to the  
20 burden for Plaintiffs to obtain the information sought through this request, especially because the  
21 available documents, data and other information from which the answer, if any, could be derived  
22 in response to this request have been produced by Defendants in response to Plaintiffs' other  
23 discovery requests and thus any relevant, available information is now as equally accessible to  
24 Plaintiffs as it is to Defendants. Further, in providing this response, Defendants are defining  
25 "some" as "more than one" as suggested by Plaintiffs in their August 10, 2009 meet and confer  
26 letter. Subject to and without waiving the foregoing objections and qualifications, Defendants  
27 respond as follows:

28 ADMITTED on the following qualified basis: For some of the objects (meaning more

1 than one) associated with the master bundle records referenced in the first two columns of Exhibit  
2 A, part of the process for generating the object was to compare the object in one environment  
3 specific to TomorrowNow's retrofit support of specific TomorrowNow customers to the same  
4 named object in an earlier release environment specific to TomorrowNow's retrofit support of  
5 specific TomorrowNow customers in part to identify changes related to the PeopleSoft posted tax  
6 update. To the extent not admitted, this request is DENIED.

7 **REQUEST FOR ADMISSION NO. 547:**

8 Admit that in order to generate at least one Fix or Update listed in the first two columns of  
9 Exhibit A, part of TN's process was to compare Fix Objects in a Copy of one of its "extended  
10 support environments" (as the term is used in Requests Nos. 508-511) with Fix Objects in a  
11 different Copy of one of its "extended support environments" for an earlier release in part to  
12 identify PeopleSoft's or Oracle's changes.

13 **RESPONSE TO REQUEST FOR ADMISSION NO. 547:**

14 Defendants object to this request on the grounds stated in the General Objections and  
15 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
16 respect to the information sought in this request because Defendants SAP AG and SAP America  
17 have no additional knowledge separate and apart from the information provided by Defendant  
18 TomorrowNow in this response. Defendants object to the request because the terms "Fix,"  
19 "Update," "generate," "compare," "copy," and "extended support environments" are subject to  
20 multiple meanings and, as such, are overly broad, vague, and ambiguous. Defendants object to  
21 the phrase "in part to identify PeopleSoft's or Oracle's changes" as being subject to multiple  
22 meanings and, as such, being vague and ambiguous. Defendants further object to the term "Fix  
23 Objects" as overly broad, vague, and inaccurate to the extent it includes the phrase "discrete unit  
24 of code." Defendants respond as if the undefined term "object" was used in "Fix Objects" place.  
25 Further, Exhibit A lists the names of master bundles as that term was used by TomorrowNow in  
26 the SAS database. The master bundles are not the actual objects that are developed for  
27 TomorrowNow customers. Master bundles and master fixes are records that simply identify  
28 problems for which TomorrowNow generally developed objects to resolve. The object

1 development often took place at the release level, source level, and customer level. If this request  
2 is actually asking for information related to each and every object TomorrowNow developed, this  
3 number is more in line with the 33,185 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of  
4 Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this  
5 question, Defendants would have to analyze each individual object in each fix or update  
6 contained within each master bundle. Defendants, therefore, object to this request as compound  
7 and unduly burdensome in that this request seeks information and activities that (1) involved  
8 many thousands of objects, (2) involved numerous employees, (3) took place over several years,  
9 and (4) would require Defendants to review substantial business records to determine an answer,  
10 if possible, for each of the numerous numbers of objects contained within the fixes and updates,  
11 and Defendants' burden in doing so would be substantially similar to the burden for Plaintiffs to  
12 do so given that the available information is at least as equally accessible to Plaintiffs as it is to  
13 Defendants. Defendants also object to the term "extended support environment" (as the term was  
14 used in Request Nos. 508-511) for the reasons stated in Defendants' objections to Request Nos.  
15 508-511.

16 Subject to the General Objections and Responses and these specific objections, after a  
17 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
18 sufficient knowledge and information to either admit or deny these requests, as the information  
19 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
20 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

21 **AMENDED REQUEST FOR ADMISSION NO. 547:**

22 Admit that in order to generate at least one Fix or Update listed in the first two columns of  
23 Exhibit A, part of TN's process was to compare Fix Objects in a Copy of one of its Generic  
24 Environments with Fix Objects in a different Copy of one of its Generic Environments for an  
25 earlier release in part to identify PeopleSoft's or Oracle's changes.

26 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 547:**

27 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
28 General Objections noted above. Defendants' response is based solely on Defendant

1 TomorrowNow's knowledge with respect to the information sought in this request because  
2 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
3 information provided by Defendant TomorrowNow in this response. Defendants object to the  
4 request because the terms "fix," "update," "generate," "compare," "copy," and "generic  
5 environments" make this request overly broad, vague and ambiguous. "Generic Environments" is  
6 a term created by Plaintiffs and as used and defined by Plaintiffs is misleading by attempting to  
7 suggest that any such environments or environment components were not used for limited  
8 customers, scope or purpose. Defendants further object to the definition of "Generic  
9 Environments" to the extent it incorporates the overly broad, unduly burdensome, and vague term  
10 "environments," to which Defendants object above. Defendants object to the phrase "in part to  
11 identify PeopleSoft's or Oracle's changes" as being subject to multiple meanings and, as such,  
12 being overly broad, vague and ambiguous. Further, Exhibit A lists the names of "master bundles"  
13 as that phrase was used by TomorrowNow in the SAS database. TomorrowNow's "master  
14 bundles" are not the actual objects included in fixes or updates that are developed for  
15 TomorrowNow's customers. "Master bundles" and "master fixes" are records that describe the  
16 issue to be addressed and then serve as a record keeping device and reference for that issue and  
17 related activity TomorrowNow undertook to address that issue. The actual development of  
18 customer-specific objects included in customer-specific fixes and updates was referenced to a  
19 "master bundle" or "master fix" record for identification and record keeping purposes. Thus, if  
20 this request seeks an admission related to each and every object related to each and every  
21 customer-specific fix or update that TomorrowNow developed, then this single request  
22 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
23 impermissibly seek regarding the 33,185 objects listed in Plaintiffs' Exhibit D to Plaintiffs' Third  
24 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
25 intent of this request, then to respond to this request, Defendants would have to analyze each  
26 individual object in each fix or update contained within each master bundle. Defendants,  
27 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
28 because it seeks an admission regarding thousands of separate activities that (1) involved many

1 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
2 would require Defendants to review enormous volumes of business records to attempt to  
3 determine an answer, if possible, for each of the numerous objects contained within the  
4 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
5 Defendants' burden associated with responding to this request is substantially similar to the  
6 burden for Plaintiffs to obtain the information sought through this request, especially because the  
7 available documents, data and other information from which the answer, if any, could be derived  
8 in response to this request have been produced by Defendants in response to Plaintiffs' other  
9 discovery requests and thus any relevant, available information is now as equally accessible to  
10 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
11 qualifications, Defendants respond as follows:

12 ADMITTED on the following qualified basis: For at least one of the objects associated  
13 with the master bundle records referenced in the first two columns of Exhibit A, part of the  
14 process for generating the object was to compare the object in one environment specific to  
15 TomorrowNow's retrofit support of specific TomorrowNow customers to the same named object  
16 in an earlier release environment specific to TomorrowNow's retrofit support of specific  
17 TomorrowNow customers in part to identify changes related to the PeopleSoft posted tax update.  
18 To the extent not admitted, this request is DENIED.

19 **REQUEST FOR ADMISSION NO. 548:**

20 Admit that in order to generate each Fix or Update listed in the first two columns of  
21 Exhibit A, part of TN's process was to compare Fix Objects in a Copy of one of its "extended  
22 support environments" (as the term is used in Requests Nos. 508-511) with Fix Objects in a  
23 different Copy of one of its "extended support environments" for an earlier release in part to  
24 decide whether PeopleSoft's or Oracle's changes were applicable to earlier releases.

25 **RESPONSE TO REQUEST FOR ADMISSION NO. 548:**

26 Defendants object to this request on the grounds stated in the General Objections and  
27 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
28 respect to the information sought in this request because Defendants SAP AG and SAP America

1 have no additional knowledge separate and apart from the information provided by Defendant  
2 TomorrowNow in this response. Defendants object to the request because the terms “Fix,”  
3 “Update,” “generate,” “compare,” “copy,” and “extended support environments” are subject to  
4 multiple meanings and, as such, are overly broad, vague, and ambiguous. Defendants object to  
5 the phrase “in part to decide whether PeopleSoft’s or Oracle’s changes were applicable to earlier  
6 releases” as being subject to multiple meanings and, as such, being vague and ambiguous.  
7 Defendants further object to the term “Fix Objects” as overly broad, vague, and inaccurate to the  
8 extent it includes the phrase “discrete unit of code.” Defendants respond as if the undefined term  
9 “object” was used in “Fix Objects” place. Further, Exhibit A lists the names of master bundles  
10 as that term was used by TomorrowNow in the SAS database. The master bundles are not the  
11 actual objects that are developed for TomorrowNow customers. Master bundles and master fixes  
12 are records that simply identify problems for which TomorrowNow generally developed objects  
13 to resolve. The object development often took place at the release level, source level, and  
14 customer level. If this request is actually asking for information related to each and every object  
15 TomorrowNow developed, this number is more in line with the 33,185 listed in Plaintiffs’ Exhibit  
16 D to Plaintiffs’ Third Set of Requests for Admissions to SAP AG, SAP America, and  
17 TomorrowNow. To respond to this question, Defendants would have to analyze each individual  
18 object in each fix or update contained within each master bundle. Defendants, therefore, object to  
19 this request as compound and unduly burdensome in that this request seeks information and  
20 activities that (1) involved many thousands of objects, (2) involved numerous employees, (3) took  
21 place over several years, and (4) would require Defendants to review substantial business records  
22 to determine an answer, if possible, for each of the numerous numbers of objects contained within  
23 the fixes and updates, and Defendants’ burden in doing so would be substantially similar to the  
24 burden for Plaintiffs to do so given that the available information is at least as equally accessible  
25 to Plaintiffs as it is to Defendants. Defendants also object to the term “extended support  
26 environment” (as the term was used in Request Nos. 508-511) for the reasons stated in  
27 Defendants’ objections to Request Nos. 508-511.

28 Subject to the General Objections and Responses and these specific objections, after a



1 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
2 sufficient knowledge and information to either admit or deny these requests, as the information  
3 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
4 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

5 **AMENDED REQUEST FOR ADMISSION NO. 548:**

6 Admit that in order to generate each Fix or Update listed in the first two columns of  
7 Exhibit A, part of TN's process was to compare Fix Objects in a Copy of one of its Generic  
8 Environments with Fix Objects in a different Copy of one of its Generic Environments for an  
9 earlier release in part to decide whether PeopleSoft's or Oracle's changes were applicable to  
10 earlier releases.

11 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 548:**

12 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
13 General Objections noted above. Defendants' response is based solely on Defendant  
14 TomorrowNow's knowledge with respect to the information sought in this request because  
15 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
16 information provided by Defendant TomorrowNow in this response. Defendants object to the  
17 request because the terms "fix," "update," "generate," "compare," "copy," and "generic  
18 environments" make this request overly broad, vague and ambiguous. "Generic Environments" is  
19 a term created by Plaintiffs and as used and defined by Plaintiffs is misleading by attempting to  
20 suggest that any such environments or environment components were not used for limited  
21 customers, scope or purpose. Defendants further object to the definition of "Generic  
22 Environments" to the extent it incorporates the overly broad, unduly burdensome, and vague term  
23 "environments," to which Defendants object above. Defendants object to the phrase "in part to  
24 decide whether PeopleSoft's or Oracle's changes were applicable to earlier releases" as being  
25 subject to multiple meanings and, as such, being overly broad, vague and ambiguous. Further,  
26 Exhibit A lists the names of "master bundles" as that phrase was used by TomorrowNow in the  
27 SAS database. TomorrowNow's "master bundles" are not the actual objects included in fixes or  
28 updates that are developed for TomorrowNow's customers. "Master bundles" and "master fixes"

1 are records that describe the issue to be addressed and then serve as a record keeping device and  
2 reference for that issue and related activity TomorrowNow undertook to address that issue. The  
3 actual development of customer-specific objects included in customer-specific fixes and updates  
4 was referenced to a “master bundle” or “master fix” record for identification and record keeping  
5 purposes. Thus, if this request seeks an admission related to each and every object related to each  
6 and every customer-specific fix or update that TomorrowNow developed, then this single request  
7 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
8 impermissibly seek regarding the 33,185 objects listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third  
9 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
10 intent of this request, then to respond to this request, Defendants would have to analyze each  
11 individual object in each fix or update contained within each master bundle. Defendants,  
12 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
13 because it seeks an admission regarding thousands of separate activities that (1) involved many  
14 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
15 would require Defendants to review enormous volumes of business records to attempt to  
16 determine an answer, if possible, for each of the numerous objects contained within the  
17 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
18 Defendants’ burden associated with responding to this request is substantially similar to the  
19 burden for Plaintiffs to obtain the information sought through this request, especially because the  
20 available documents, data and other information from which the answer, if any, could be derived  
21 in response to this request have been produced by Defendants in response to Plaintiffs’ other  
22 discovery requests and thus any relevant, available information is now as equally accessible to  
23 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
24 qualifications, Defendants respond as follows:

25 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
26 information Defendants currently know or can readily obtain, Defendants have insufficient  
27 information to admit or deny this request.  
28

1 **REQUEST FOR ADMISSION NO. 549:**

2 Admit that in order to generate the majority of Fixes or Updates listed in the first two  
3 columns of Exhibit A, part of TN's process was to compare Fix Objects in a Copy of one of its  
4 "extended support environments" (as the term is used in Requests Nos. 508-511) with Fix Objects  
5 in a different Copy of one of its "extended support environments" for an earlier release in part to  
6 decide whether PeopleSoft's or Oracle's changes were applicable to earlier releases.

7 **RESPONSE TO REQUEST FOR ADMISSION NO. 549:**

8 Defendants object to this request on the grounds stated in the General Objections and  
9 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
10 respect to the information sought in this request because Defendants SAP AG and SAP America  
11 have no additional knowledge separate and apart from the information provided by Defendant  
12 TomorrowNow in this response. Defendants object to the request because the terms "Fix(es),"  
13 "Updates," "majority," "generate," "compare," "copy," and "extended support environments" are  
14 subject to multiple meanings and, as such, are overly broad, vague, and ambiguous. Defendants  
15 object to the phrase "in part to decide whether PeopleSoft's or Oracle's changes were applicable  
16 to earlier releases" as being subject to multiple meanings and, as such, being vague and  
17 ambiguous. Defendants further object to the term "Fix Objects" as overly broad, vague, and  
18 inaccurate to the extent it includes the phrase "discrete unit of code." Defendants respond as if  
19 the undefined term "object" was used in "Fix Objects" place. Further, Exhibit A lists the names  
20 of master bundles as that term was used by TomorrowNow in the SAS database. The master  
21 bundles are not the actual objects that are developed for TomorrowNow customers. Master  
22 bundles and master fixes are records that simply identify problems for which TomorrowNow  
23 generally developed objects to resolve. The object development often took place at the release  
24 level, source level, and customer level. If this request is actually asking for information related to  
25 each and every object TomorrowNow developed, this number is more in line with the 33,185  
26 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG,  
27 SAP America, and TomorrowNow. To respond to this question, Defendants would have to  
28 analyze each individual object in each fix or update contained within each master bundle.

1 Defendants, therefore, object to this request as compound and unduly burdensome in that this  
2 request seeks information and activities that (1) involved many thousands of objects, (2) involved  
3 numerous employees, (3) took place over several years, and (4) would require Defendants to  
4 review substantial business records to determine an answer, if possible, for each of the numerous  
5 numbers of objects contained within the fixes and updates, and Defendants' burden in doing so  
6 would be substantially similar to the burden for Plaintiffs to do so given that the available  
7 information is at least as equally accessible to Plaintiffs as it is to Defendants. Defendants also  
8 object to the term "extended support environment" (as the term was used in Request Nos.  
9 508-511) for the reasons stated in Defendants' objections to Request Nos. 508-511.

10 Subject to the General Objections and Responses and these specific objections, after a  
11 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
12 sufficient knowledge and information to either admit or deny these requests, as the information  
13 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
14 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

15 **AMENDED REQUEST FOR ADMISSION NO. 549:**

16 Admit that in order to generate the majority of Fixes or Updates listed in the first two  
17 columns of Exhibit A, part of TN's process was to compare Fix Objects in a Copy of one of its  
18 Generic Environments with Fix Objects in a different Copy of one of its Generic Environments  
19 for an earlier release in part to decide whether PeopleSoft's or Oracle's changes were applicable  
20 to earlier releases.

21 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 549:**

22 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
23 General Objections noted above. Defendants' response is based solely on Defendant  
24 TomorrowNow's knowledge with respect to the information sought in this request because  
25 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
26 information provided by Defendant TomorrowNow in this response. Defendants object to the  
27 request because the terms "fix," "update," "generate," "compare," "copy," and "generic  
28 environments" make this request overly broad, vague and ambiguous. "Generic Environments" is

1 a term created by Plaintiffs and as used and defined by Plaintiffs is misleading by attempting to  
2 suggest that any such environments or environment components were not used for limited  
3 customers, scope or purpose. Defendants further object to the definition of “Generic  
4 Environments” to the extent it incorporates the overly broad, unduly burdensome, and vague term  
5 “environments,” to which Defendants object above. Defendants object to the phrase “in part to  
6 decide whether PeopleSoft’s or Oracle’s changes were applicable to earlier releases” as being  
7 subject to multiple meanings and, as such, being overly broad, vague and ambiguous. Further,  
8 Exhibit A lists the names of “master bundles” as that phrase was used by TomorrowNow in the  
9 SAS database. TomorrowNow’s “master bundles” are not the actual objects included in fixes or  
10 updates that are developed for TomorrowNow’s customers. “Master bundles” and “master fixes”  
11 are records that describe the issue to be addressed and then serve as a record keeping device and  
12 reference for that issue and related activity TomorrowNow undertook to address that issue. The  
13 actual development of customer-specific objects included in customer-specific fixes and updates  
14 was referenced to a “master bundle” or “master fix” record for identification and record keeping  
15 purposes. Thus, if this request seeks an admission related to each and every object related to each  
16 and every customer-specific fix or update that TomorrowNow developed, then this single request  
17 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
18 impermissibly seek regarding the 33,185 objects listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third  
19 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
20 intent of this request, then to respond to this request, Defendants would have to analyze each  
21 individual object in each fix or update contained within each master bundle. Defendants,  
22 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
23 because it seeks an admission regarding thousands of separate activities that (1) involved many  
24 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
25 would require Defendants to review enormous volumes of business records to attempt to  
26 determine an answer, if possible, for each of the numerous objects contained within the  
27 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
28 Defendants’ burden associated with responding to this request is substantially similar to the

1 burden for Plaintiffs to obtain the information sought through this request, especially because the  
2 available documents, data and other information from which the answer, if any, could be derived  
3 in response to this request have been produced by Defendants in response to Plaintiffs' other  
4 discovery requests and thus any relevant, available information is now as equally accessible to  
5 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
6 qualifications, Defendants respond as follows:

7 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
8 information Defendants currently know or can readily obtain, Defendants have insufficient  
9 information to admit or deny this request.

10 **REQUEST FOR ADMISSION NO. 550:**

11 Admit that in order to generate some Fixes or Updates listed in the first two columns of  
12 Exhibit A, part of TN's process was to compare Fix Objects in a Copy of one of its "extended  
13 support environments" (as the term is used in Requests Nos. 508-511) with Fix Objects in a  
14 different Copy of one of its "extended support environments" for an earlier release in part to  
15 decide whether PeopleSoft's or Oracle's changes were applicable to earlier releases.

16 **RESPONSE TO REQUEST FOR ADMISSION NO. 550:**

17 Defendants object to this request on the grounds stated in the General Objections and  
18 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
19 respect to the information sought in this request because Defendants SAP AG and SAP America  
20 have no additional knowledge separate and apart from the information provided by Defendant  
21 TomorrowNow in this response. Defendants object to the request because the terms "Fix(es),"  
22 "Updates," "generate," "compare," "copy," "some," and "extended support environments" are  
23 subject to multiple meanings and, as such, are overly broad, vague, and ambiguous. Defendants  
24 object to the phrase "in part to decide whether PeopleSoft's or Oracle's changes were applicable  
25 to earlier releases" as being subject to multiple meanings and, as such, being vague and  
26 ambiguous. Defendants further object to the term "Fix Objects" as overly broad, vague, and  
27 inaccurate to the extent it includes the phrase "discrete unit of code." Defendants respond as if  
28 the undefined term "object" was used in "Fix Objects" place. Further, Exhibit A lists the names

1 of master bundles as that term was used by TomorrowNow in the SAS database. The master  
2 bundles are not the actual objects that are developed for TomorrowNow customers. Master  
3 bundles and master fixes are records that simply identify problems for which TomorrowNow  
4 generally developed objects to resolve. The object development often took place at the release  
5 level, source level, and customer level. If this request is actually asking for information related to  
6 each and every object TomorrowNow developed, this number is more in line with the 33,185  
7 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG,  
8 SAP America, and TomorrowNow. To respond to this question, Defendants would have to  
9 analyze each individual object in each fix or update contained within each master bundle.  
10 Defendants, therefore, object to this request as compound and unduly burdensome in that this  
11 request seeks information and activities that (1) involved many thousands of objects, (2) involved  
12 numerous employees, (3) took place over several years, and (4) would require Defendants to  
13 review substantial business records to determine an answer, if possible, for each of the numerous  
14 numbers of objects contained within the fixes and updates, and Defendants' burden in doing so  
15 would be substantially similar to the burden for Plaintiffs to do so given that the available  
16 information is at least as equally accessible to Plaintiffs as it is to Defendants. Defendants also  
17 object to the term "extended support environment" (as the term was used in Request Nos.  
18 508-511) for the reasons stated in Defendants' objections to Request Nos. 508-511.

19 Subject to the General Objections and Responses and these specific objections, after a  
20 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
21 sufficient knowledge and information to either admit or deny these requests, as the information  
22 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
23 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

24 **AMENDED REQUEST FOR ADMISSION NO. 550:**

25 Admit that in order to generate some Fixes or Updates listed in the first two columns of  
26 Exhibit A, part of TN's process was to compare Fix Objects in a Copy of one of its Generic  
27 Environments with Fix Objects in a different Copy of one of its Generic Environments for an  
28 earlier release in part to decide whether PeopleSoft's or Oracle's changes were applicable to

1 earlier releases.

2 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 550:**

3 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
4 General Objections noted above. Defendants' response is based solely on Defendant  
5 TomorrowNow's knowledge with respect to the information sought in this request because  
6 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
7 information provided by Defendant TomorrowNow in this response. Defendants object to the  
8 request because the terms "fix," "update," "generate," "compare," "copy," and "generic  
9 environments" make this request overly broad, vague and ambiguous. "Generic Environments" is  
10 a term created by Plaintiffs and as used and defined by Plaintiffs is misleading by attempting to  
11 suggest that any such environments or environment components were not used for limited  
12 customers, scope or purpose. Defendants further object to the definition of "Generic  
13 Environments" to the extent it incorporates the overly broad, unduly burdensome, and vague term  
14 "environments," to which Defendants object above. Defendants object to the phrase "in part to  
15 decide whether PeopleSoft's or Oracle's changes were applicable to earlier releases" as being  
16 subject to multiple meanings and, as such, being overly broad, vague and ambiguous. Further,  
17 Exhibit A lists the names of "master bundles" as that phrase was used by TomorrowNow in the  
18 SAS database. TomorrowNow's "master bundles" are not the actual objects included in fixes or  
19 updates that are developed for TomorrowNow's customers. "Master bundles" and "master fixes"  
20 are records that describe the issue to be addressed and then serve as a record keeping device and  
21 reference for that issue and related activity TomorrowNow undertook to address that issue. The  
22 actual development of customer-specific objects included in customer-specific fixes and updates  
23 was referenced to a "master bundle" or "master fix" record for identification and record keeping  
24 purposes. Thus, if this request seeks an admission related to each and every object related to each  
25 and every customer-specific fix or update that TomorrowNow developed, then this single request  
26 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
27 impermissibly seek regarding the 33,185 objects listed in Plaintiffs' Exhibit D to Plaintiffs' Third  
28 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the



1 intent of this request, then to respond to this request, Defendants would have to analyze each  
2 individual object in each fix or update contained within each master bundle. Defendants,  
3 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
4 because it seeks an admission regarding thousands of separate activities that (1) involved many  
5 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
6 would require Defendants to review enormous volumes of business records to attempt to  
7 determine an answer, if possible, for each of the numerous objects contained within the  
8 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
9 Defendants' burden associated with responding to this request is substantially similar to the  
10 burden for Plaintiffs to obtain the information sought through this request, especially because the  
11 available documents, data and other information from which the answer, if any, could be derived  
12 in response to this request have been produced by Defendants in response to Plaintiffs' other  
13 discovery requests and thus any relevant, available information is now as equally accessible to  
14 Plaintiffs as it is to Defendants. Further, in providing this response, Defendants are defining  
15 "some" as "more than one" as suggested by Plaintiffs in their August 10, 2009 meet and confer  
16 letter. Subject to and without waiving the foregoing objections and qualifications, Defendants  
17 respond as follows:

18 ADMITTED on the following qualified basis: For some of the objects (meaning more  
19 than one) associated with the master bundle records referenced in the first two columns of Exhibit  
20 A, part of the process for generating the object was to compare the object in one environment  
21 specific to TomorrowNow's retrofit support of specific TomorrowNow customers to the same  
22 named object in an earlier release environment specific to TomorrowNow's retrofit support of  
23 specific TomorrowNow customers in part to decide whether changes in the PeopleSoft posted tax  
24 update were applicable to earlier releases. To the extent not admitted, this request is DENIED.

25 **REQUEST FOR ADMISSION NO. 551:**

26 Admit that in order to generate at least one Fix or Update listed in the first two columns of  
27 Exhibit A, part of TN's process was to compare Fix Objects in a Copy of one of its "extended  
28 support environments" (as the term is used in Requests Nos. 508-511) with Fix Objects in a

1 different Copy of one of its “extended support environments” for an earlier release in part to  
2 decide whether PeopleSoft’s or Oracle’s changes were applicable to earlier releases.

3 **RESPONSE TO REQUEST FOR ADMISSION NO. 551:**

4 Defendants object to this request on the grounds stated in the General Objections and  
5 Responses. Defendants’ response is based solely on Defendant TomorrowNow’s knowledge with  
6 respect to the information sought in this request because Defendants SAP AG and SAP America  
7 have no additional knowledge separate and apart from the information provided by Defendant  
8 TomorrowNow in this response. Defendants object to the request because the terms “Fix,”  
9 “Update,” “generate,” “compare,” “copy,” and “extended support environments” are subject to  
10 multiple meanings and, as such, are overly broad, vague, and ambiguous. Defendants object to  
11 the phrase “in part to decide whether PeopleSoft’s or Oracle’s changes were applicable to earlier  
12 releases” as being subject to multiple meanings and, as such, being vague and ambiguous.  
13 Defendants further object to the term “Fix Objects” as overly broad, vague, and inaccurate to the  
14 extent it includes the phrase “discrete unit of code.” Defendants respond as if the undefined term  
15 “object” was used in “Fix Objects” place. Further, Exhibit A lists the names of master bundles  
16 as that term was used by TomorrowNow in the SAS database. The master bundles are not the  
17 actual objects that are developed for TomorrowNow customers. Master bundles and master fixes  
18 are records that simply identify problems for which TomorrowNow generally developed objects  
19 to resolve. The object development often took place at the release level, source level, and  
20 customer level. If this request is actually asking for information related to each and every object  
21 TomorrowNow developed, this number is more in line with the 33,185 listed in Plaintiffs’ Exhibit  
22 D to Plaintiffs’ Third Set of Requests for Admissions to SAP AG, SAP America, and  
23 TomorrowNow. To respond to this question, Defendants would have to analyze each individual  
24 object in each fix or update contained within each master bundle. Defendants, therefore, object to  
25 this request as compound and unduly burdensome in that this request seeks information and  
26 activities that (1) involved many thousands of objects, (2) involved numerous employees, (3) took  
27 place over several years, and (4) would require Defendants to review substantial business records  
28 to determine an answer, if possible, for each of the numerous numbers of objects contained within

1 the fixes and updates, and Defendants' burden in doing so would be substantially similar to the  
2 burden for Plaintiffs to do so given that the available information is at least as equally accessible  
3 to Plaintiffs as it is to Defendants. Defendants also object to the term "extended support  
4 environment" (as the term was used in Request Nos. 508-511) for the reasons stated in  
5 Defendants' objections to Request Nos. 508-511.

6 Subject to the General Objections and Responses and these specific objections, after a  
7 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
8 sufficient knowledge and information to either admit or deny these requests, as the information  
9 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
10 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

11 **AMENDED REQUEST FOR ADMISSION NO. 551:**

12 Admit that in order to generate at least one Fix or Update listed in the first two columns of  
13 Exhibit A, part of TN's process was to compare Fix Objects in a Copy of one of its Generic  
14 Environments with Fix Objects in a different Copy of one of its Generic Environments for an  
15 earlier release in part to decide whether PeopleSoft's or Oracle's changes were applicable to  
16 earlier releases.

17 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 551:**

18 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
19 General Objections noted above. Defendants' response is based solely on Defendant  
20 TomorrowNow's knowledge with respect to the information sought in this request because  
21 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
22 information provided by Defendant TomorrowNow in this response. Defendants object to the  
23 request because the terms "fix," "update," "generate," "compare," "copy," and "generic  
24 environments" make this request overly broad, vague and ambiguous. "Generic Environments" is  
25 a term created by Plaintiffs and as used and defined by Plaintiffs is misleading by attempting to  
26 suggest that any such environments or environment components were not used for limited  
27 customers, scope or purpose. Defendants further object to the definition of "Generic  
28 Environments" to the extent it incorporates the overly broad, unduly burdensome, and vague term

1 “environments,” to which Defendants object above. Defendants object to the phrase “in part to  
2 decide whether PeopleSoft’s or Oracle’s changes were applicable to earlier releases” as being  
3 subject to multiple meanings and, as such, being overly broad, vague and ambiguous. Further,  
4 Exhibit A lists the names of “master bundles” as that phrase was used by TomorrowNow in the  
5 SAS database. TomorrowNow’s “master bundles” are not the actual objects included in fixes or  
6 updates that are developed for TomorrowNow’s customers. “Master bundles” and “master fixes”  
7 are records that describe the issue to be addressed and then serve as a record keeping device and  
8 reference for that issue and related activity TomorrowNow undertook to address that issue. The  
9 actual development of customer-specific objects included in customer-specific fixes and updates  
10 was referenced to a “master bundle” or “master fix” record for identification and record keeping  
11 purposes. Thus, if this request seeks an admission related to each and every object related to each  
12 and every customer-specific fix or update that TomorrowNow developed, then this single request  
13 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
14 impermissibly seek regarding the 33,185 objects listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third  
15 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
16 intent of this request, then to respond to this request, Defendants would have to analyze each  
17 individual object in each fix or update contained within each master bundle. Defendants,  
18 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
19 because it seeks an admission regarding thousands of separate activities that (1) involved many  
20 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
21 would require Defendants to review enormous volumes of business records to attempt to  
22 determine an answer, if possible, for each of the numerous objects contained within the  
23 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
24 Defendants’ burden associated with responding to this request is substantially similar to the  
25 burden for Plaintiffs to obtain the information sought through this request, especially because the  
26 available documents, data and other information from which the answer, if any, could be derived  
27 in response to this request have been produced by Defendants in response to Plaintiffs’ other  
28 discovery requests and thus any relevant, available information is now as equally accessible to

1 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
2 qualifications, Defendants respond as follows:

3 ADMITTED on the following qualified basis: For at least one of the objects associated  
4 with the master bundle records referenced in the first two columns of Exhibit A, part of the  
5 process for generating the object was to compare the object in one environment specific to  
6 TomorrowNow's retrofit support of specific TomorrowNow customers to the same named object  
7 in an earlier release environment specific to TomorrowNow's retrofit support of specific  
8 TomorrowNow customers in part to decide whether changes in the PeopleSoft posted tax update  
9 were applicable to earlier releases. To the extent not admitted, this request is DENIED.

10 **REQUEST FOR ADMISSION NO. 552:**

11 Admit that in order to generate each Fix or Update listed in the first two columns of  
12 Exhibit A, part of TN's process was to compare Fix Objects in a Copy of one of its "extended  
13 support environments" (as the term is used in Requests Nos. 508-511) with Fix Objects in a  
14 different Copy of one of its "extended support environments" for an earlier release in part to  
15 recreate changes corresponding to the changes made by PeopleSoft or Oracle for an earlier  
16 release or releases supported by TN.

17 **RESPONSE TO REQUEST FOR ADMISSION NO. 552:**

18 Defendants object to this request on the grounds stated in the General Objections and  
19 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
20 respect to the information sought in this request because Defendants SAP AG and SAP America  
21 have no additional knowledge separate and apart from the information provided by Defendant  
22 TomorrowNow in this response. Defendants object to the request because the terms "Fix,"  
23 "Update," "generate," "compare," "copy," and "extended support environments" are subject to  
24 multiple meanings and, as such, are overly broad, vague, and ambiguous. Defendants object to  
25 the phrase "in part to recreate changes corresponding to the changes made by PeopleSoft or  
26 Oracle for an earlier release or releases supported by TN" as being subject to multiple meanings  
27 and, as such, being vague and ambiguous. Defendants further object to the term "Fix Objects" as  
28 overly broad, vague, and inaccurate to the extent it includes the phrase "discrete unit of code."

1 Defendants respond as if the undefined term “object” was used in “Fix Objects” place. Further,  
2 Exhibit A lists the names of master bundles as that term was used by TomorrowNow in the SAS  
3 database. The master bundles are not the actual objects that are developed for TomorrowNow  
4 customers. Master bundles and master fixes are records that simply identify problems for which  
5 TomorrowNow generally developed objects to resolve. The object development often took place  
6 at the release level, source level, and customer level. If this request is actually asking for  
7 information related to each and every object TomorrowNow developed, this number is more in  
8 line with the 33,185 listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for  
9 Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this question,  
10 Defendants would have to analyze each individual object in each fix or update contained within  
11 each master bundle. Defendants, therefore, object to this request as compound and unduly  
12 burdensome in that this request seeks information and activities that (1) involved many thousands  
13 of objects, (2) involved numerous employees, (3) took place over several years, and (4) would  
14 require Defendants to review substantial business records to determine an answer, if possible, for  
15 each of the numerous numbers of objects contained within the fixes and updates, and Defendants’  
16 burden in doing so would be substantially similar to the burden for Plaintiffs to do so given that  
17 the available information is at least as equally accessible to Plaintiffs as it is to Defendants.  
18 Defendants also object to the term “extended support environment” (as the term was used in  
19 Request Nos. 508-511) for the reasons stated in Defendants’ objections to Request Nos. 508-511.

20 Subject to the General Objections and Responses and these specific objections, after a  
21 reasonable inquiry and based on Defendants’ understanding of these questions, Defendants lack  
22 sufficient knowledge and information to either admit or deny these requests, as the information  
23 sought was not tracked, recorded, or maintained by TomorrowNow in a “readily obtainable  
24 manner.” Based on all of the reasons and objections stated above, these requests are DENIED.

25 **AMENDED REQUEST FOR ADMISSION NO. 552:**

26 Admit that in order to generate each Fix or Update listed in the first two columns of  
27 Exhibit A, part of TN’s process was to compare Fix Objects in a Copy of one of its Generic  
28 Environments with Fix Objects in a different Copy of one of its Generic Environments for an

1 earlier release in part to recreate changes corresponding to the changes made by PeopleSoft or  
2 Oracle for an earlier release or releases supported by TN.

3 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 552:**

4 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
5 General Objections noted above. Defendants' response is based solely on Defendant  
6 TomorrowNow's knowledge with respect to the information sought in this request because  
7 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
8 information provided by Defendant TomorrowNow in this response. Defendants object to the  
9 request because the terms "fix," "update," "generate," "compare," "copy," and "generic  
10 environments" make this request overly broad, vague and ambiguous. "Generic Environments" is  
11 a term created by Plaintiffs and as used and defined by Plaintiffs is misleading by attempting to  
12 suggest that any such environments or environment components were not used for limited  
13 customers, scope or purpose. Defendants further object to the definition of "Generic  
14 Environments" to the extent it incorporates the overly broad, unduly burdensome, and vague term  
15 "environments," to which Defendants object above. Defendants object to the phrase "in part to  
16 recreate changes corresponding to the changes made by PeopleSoft or Oracle for an earlier  
17 release or releases supported by TN" as being subject to multiple meanings and, as such, being  
18 overly broad, vague and ambiguous. Further, Exhibit A lists the names of "master bundles" as  
19 that phrase was used by TomorrowNow in the SAS database. TomorrowNow's "master bundles"  
20 are not the actual objects included in fixes or updates that are developed for TomorrowNow's  
21 customers. "Master bundles" and "master fixes" are records that describe the issue to be  
22 addressed and then serve as a record keeping device and reference for that issue and related  
23 activity TomorrowNow undertook to address that issue. The actual development of customer-  
24 specific objects included in customer-specific fixes and updates was referenced to a "master  
25 bundle" or "master fix" record for identification and record keeping purposes. Thus, if this  
26 request seeks an admission related to each and every object related to each and every customer-  
27 specific fix or update that TomorrowNow developed, then this single request impermissibly seeks  
28 literally thousands of admissions similar to the admissions Plaintiffs impermissibly seek

1 regarding the 33,185 objects listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for  
2 Admissions to SAP AG, SAP America, and TomorrowNow. If that is the intent of this request,  
3 then to respond to this request, Defendants would have to analyze each individual object in each  
4 fix or update contained within each master bundle. Defendants, therefore, object on the basis that  
5 this request is compound, overly broad and unduly burdensome because it seeks an admission  
6 regarding thousands of separate activities that (1) involved many thousands of objects, (2)  
7 involved numerous employees, (3) took place over several years, and (4) would require  
8 Defendants to review enormous volumes of business records to attempt to determine an answer, if  
9 possible, for each of the numerous objects contained within the referenced fixes and updates.  
10 Moreover, Defendants object to this request on the basis that Defendants' burden associated with  
11 responding to this request is substantially similar to the burden for Plaintiffs to obtain the  
12 information sought through this request, especially because the available documents, data and  
13 other information from which the answer, if any, could be derived in response to this request have  
14 been produced by Defendants in response to Plaintiffs' other discovery requests and thus any  
15 relevant, available information is now as equally accessible to Plaintiffs as it is to Defendants.  
16 Subject to and without waiving the foregoing objections and qualifications, Defendants respond  
17 as follows:

18 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
19 information Defendants currently know or can readily obtain, Defendants have insufficient  
20 information to admit or deny this request.

21 **REQUEST FOR ADMISSION NO. 553:**

22 Admit that in order to generate the majority of Fixes or Updates listed in the first two  
23 columns of Exhibit A, part of TN's process was to compare Fix Objects in a Copy of one of its  
24 "extended support environments" (as the term is used in Requests Nos. 508-511) with Fix Objects  
25 in a different Copy of one of its "extended support environments" for an earlier release in part to  
26 recreate changes corresponding to the changes made by PeopleSoft or Oracle for an earlier  
27 release or releases supported by TN.  
28



**RESPONSE TO REQUEST FOR ADMISSION NO. 553:**

Defendants object to this request on the grounds stated in the General Objections and Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant TomorrowNow in this response. Defendants object to the request because the terms "Fix(es)," "Updates," "majority," "generate," "compare," "copy," and "extended support environments" are subject to multiple meanings and, as such, are overly broad, vague, and ambiguous. Defendants object to the phrase "in part to recreate changes corresponding to the changes made by PeopleSoft or Oracle for an earlier release or releases supported by TN" as being subject to multiple meanings and, as such, being vague and ambiguous. Defendants further object to the term "Fix Objects" as overly broad, vague, and inaccurate to the extent it includes the phrase "discrete unit of code." Defendants respond as if the undefined term "object" was used in "Fix Objects" place. Further, Exhibit A lists the names of master bundles as that term was used by TomorrowNow in the SAS database. The master bundles are not the actual objects that are developed for TomorrowNow customers. Master bundles and master fixes are records that simply identify problems for which TomorrowNow generally developed objects to resolve. The object development often took place at the release level, source level, and customer level. If this request is actually asking for information related to each and every object TomorrowNow developed, this number is more in line with the 33,185 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this question, Defendants would have to analyze each individual object in each fix or update contained within each master bundle. Defendants, therefore, object to this request as compound and unduly burdensome in that this request seeks information and activities that (1) involved many thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4) would require Defendants to review substantial business records to determine an answer, if possible, for each of the numerous numbers of objects contained within the fixes and updates, and Defendants' burden in doing so would be substantially similar to the burden for Plaintiffs to

1 do so given that the available information is at least as equally accessible to Plaintiffs as it is to  
2 Defendants. Defendants also object to the term “extended support environment” (as the term was  
3 used in Request Nos. 508-511) for the reasons stated in Defendants’ objections to Request Nos.  
4 508-511.

5 Subject to the General Objections and Responses and these specific objections, after a  
6 reasonable inquiry and based on Defendants’ understanding of these questions, Defendants lack  
7 sufficient knowledge and information to either admit or deny these requests, as the information  
8 sought was not tracked, recorded, or maintained by TomorrowNow in a “readily obtainable  
9 manner.” Based on all of the reasons and objections stated above, these requests are DENIED.

10 **AMENDED REQUEST FOR ADMISSION NO. 553:**

11 Admit that in order to generate the majority of Fixes or Updates listed in the first two  
12 columns of Exhibit A, part of TN’s process was to compare Fix Objects in a Copy of one of its  
13 Generic Environments with Fix Objects in a different Copy of one of its Generic Environments  
14 for an earlier release in part to recreate changes corresponding to the changes made by PeopleSoft  
15 or Oracle for an earlier release or releases supported by TN.

16 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 553:**

17 Defendants incorporate by reference, as if fully set forth herein, all of Defendants’  
18 General Objections noted above. Defendants’ response is based solely on Defendant  
19 TomorrowNow’s knowledge with respect to the information sought in this request because  
20 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
21 information provided by Defendant TomorrowNow in this response. Defendants object to the  
22 request because the terms “fix,” “update,” “generate,” “compare,” “copy,” and “generic  
23 environments” make this request overly broad, vague and ambiguous. “Generic Environments” is  
24 a term created by Plaintiffs and as used and defined by Plaintiffs is misleading by attempting to  
25 suggest that any such environments or environment components were not used for limited  
26 customers, scope or purpose. Defendants further object to the definition of “Generic  
27 Environments” to the extent it incorporates the overly broad, unduly burdensome, and vague term  
28 “environments,” to which Defendants object above. Defendants object to the phrase “in part to

1 recreate changes corresponding to the changes made by PeopleSoft or Oracle for an earlier  
2 release or releases supported by TN” as being subject to multiple meanings and, as such, being  
3 overly broad, vague and ambiguous. Further, Exhibit A lists the names of “master bundles” as  
4 that phrase was used by TomorrowNow in the SAS database. TomorrowNow’s “master bundles”  
5 are not the actual objects included in fixes or updates that are developed for TomorrowNow’s  
6 customers. “Master bundles” and “master fixes” are records that describe the issue to be  
7 addressed and then serve as a record keeping device and reference for that issue and related  
8 activity TomorrowNow undertook to address that issue. The actual development of customer-  
9 specific objects included in customer-specific fixes and updates was referenced to a “master  
10 bundle” or “master fix” record for identification and record keeping purposes. Thus, if this  
11 request seeks an admission related to each and every object related to each and every customer-  
12 specific fix or update that TomorrowNow developed, then this single request impermissibly seeks  
13 literally thousands of admissions similar to the admissions Plaintiffs impermissibly seek  
14 regarding the 33,185 objects listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for  
15 Admissions to SAP AG, SAP America, and TomorrowNow. If that is the intent of this request,  
16 then to respond to this request, Defendants would have to analyze each individual object in each  
17 fix or update contained within each master bundle. Defendants, therefore, object on the basis that  
18 this request is compound, overly broad and unduly burdensome because it seeks an admission  
19 regarding thousands of separate activities that (1) involved many thousands of objects, (2)  
20 involved numerous employees, (3) took place over several years, and (4) would require  
21 Defendants to review enormous volumes of business records to attempt to determine an answer, if  
22 possible, for each of the numerous objects contained within the referenced fixes and updates.  
23 Moreover, Defendants object to this request on the basis that Defendants’ burden associated with  
24 responding to this request is substantially similar to the burden for Plaintiffs to obtain the  
25 information sought through this request, especially because the available documents, data and  
26 other information from which the answer, if any, could be derived in response to this request have  
27 been produced by Defendants in response to Plaintiffs’ other discovery requests and thus any  
28 relevant, available information is now as equally accessible to Plaintiffs as it is to Defendants.

1 Subject to and without waiving the foregoing objections and qualifications, Defendants respond  
2 as follows:

3 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
4 information Defendants currently know or can readily obtain, Defendants have insufficient  
5 information to admit or deny this request.

6 **REQUEST FOR ADMISSION NO. 554:**

7 Admit that in order to generate some of Fixes or Updates listed in the first two columns of  
8 Exhibit A, part of TN's process was to compare Fix Objects in a Copy of one of its "extended  
9 support environments" (as the term is used in Requests Nos. 508-511) with Fix Objects in a  
10 different Copy of one of its "extended support environments" for an earlier release in part to  
11 recreate changes corresponding to the changes made by PeopleSoft or Oracle for an earlier  
12 release or releases supported by TN.

13 **RESPONSE TO REQUEST FOR ADMISSION NO. 554:**

14 Defendants object to this request on the grounds stated in the General Objections and  
15 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
16 respect to the information sought in this request because Defendants SAP AG and SAP America  
17 have no additional knowledge separate and apart from the information provided by Defendant  
18 TomorrowNow in this response. Defendants object to the request because the terms "Fix(es),"  
19 "Updates," "generate," "compare," "copy," "some," and "extended support environments" are  
20 subject to multiple meanings and, as such, are overly broad, vague, and ambiguous. Defendants  
21 object to the phrase "in part to recreate changes corresponding to the changes made by PeopleSoft  
22 or Oracle for an earlier release or releases supported by TN" as being subject to multiple  
23 meanings and, as such, being vague and ambiguous. Defendants further object to the term "Fix  
24 Objects" as overly broad, vague, and inaccurate to the extent it includes the phrase "discrete unit  
25 of code." Defendants respond as if the undefined term "object" was used in "Fix Objects" place.  
26 Further, Exhibit A lists the names of master bundles as that term was used by TomorrowNow in  
27 the SAS database. The master bundles are not the actual objects that are developed for  
28 TomorrowNow customers. Master bundles and master fixes are records that simply identify

1 problems for which TomorrowNow generally developed objects to resolve. The object  
2 development often took place at the release level, source level, and customer level. If this request  
3 is actually asking for information related to each and every object TomorrowNow developed, this  
4 number is more in line with the 33,185 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of  
5 Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this  
6 question, Defendants would have to analyze each individual object in each fix or update  
7 contained within each master bundle. Defendants, therefore, object to this request as compound  
8 and unduly burdensome in that this request seeks information and activities that (1) involved  
9 many thousands of objects, (2) involved numerous employees, (3) took place over several years,  
10 and (4) would require Defendants to review substantial business records to determine an answer,  
11 if possible, for each of the numerous numbers of objects contained within the fixes and updates,  
12 and Defendants' burden in doing so would be substantially similar to the burden for Plaintiffs to  
13 do so given that the available information is at least as equally accessible to Plaintiffs as it is to  
14 Defendants. Defendants also object to the term "extended support environment" (as the term was  
15 used in Request Nos. 508-511) for the reasons stated in Defendants' objections to Request Nos.  
16 508-511.

17 Subject to the General Objections and Responses and these specific objections, after a  
18 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
19 sufficient knowledge and information to either admit or deny these requests, as the information  
20 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
21 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

22 **AMENDED REQUEST FOR ADMISSION NO. 554:**

23 Admit that in order to generate some of Fixes or Updates listed in the first two columns of  
24 Exhibit A, part of TN's process was to compare Fix Objects in a Copy of one of its Generic  
25 Environments with Fix Objects in a different Copy of one of its Generic Environments for an  
26 earlier release in part to recreate changes corresponding to the changes made by PeopleSoft or  
27 Oracle for an earlier release or releases supported by TN.

28

**AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 554:**

Defendants incorporate by reference, as if fully set forth herein, all of Defendants' General Objections noted above. Defendants' response is based solely on Defendant TomorrowNow's knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant TomorrowNow in this response. Defendants object to the request because the terms "fix," "update," "generate," "compare," "copy," and "generic environments" make this request overly broad, vague and ambiguous. "Generic Environments" is a term created by Plaintiffs and as used and defined by Plaintiffs is misleading by attempting to suggest that any such environments or environment components were not used for limited customers, scope or purpose. Defendants further object to the definition of "Generic Environments" to the extent it incorporates the overly broad, unduly burdensome, and vague term "environments," to which Defendants object above. Defendants object to the phrase "in part to recreate changes corresponding to the changes made by PeopleSoft or Oracle for an earlier release or releases supported by TN" as being subject to multiple meanings and, as such, being overly broad, vague and ambiguous. Further, Exhibit A lists the names of "master bundles" as that phrase was used by TomorrowNow in the SAS database. TomorrowNow's "master bundles" are not the actual objects included in fixes or updates that are developed for TomorrowNow's customers. "Master bundles" and "master fixes" are records that describe the issue to be addressed and then serve as a record keeping device and reference for that issue and related activity TomorrowNow undertook to address that issue. The actual development of customer-specific objects included in customer-specific fixes and updates was referenced to a "master bundle" or "master fix" record for identification and record keeping purposes. Thus, if this request seeks an admission related to each and every object related to each and every customer-specific fix or update that TomorrowNow developed, then this single request impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the intent of this request,

1 then to respond to this request, Defendants would have to analyze each individual object in each  
2 fix or update contained within each master bundle. Defendants, therefore, object on the basis that  
3 this request is compound, overly broad and unduly burdensome because it seeks an admission  
4 regarding thousands of separate activities that (1) involved many thousands of objects, (2)  
5 involved numerous employees, (3) took place over several years, and (4) would require  
6 Defendants to review enormous volumes of business records to attempt to determine an answer, if  
7 possible, for each of the numerous objects contained within the referenced fixes and updates.  
8 Moreover, Defendants object to this request on the basis that Defendants' burden associated with  
9 responding to this request is substantially similar to the burden for Plaintiffs to obtain the  
10 information sought through this request, especially because the available documents, data and  
11 other information from which the answer, if any, could be derived in response to this request have  
12 been produced by Defendants in response to Plaintiffs' other discovery requests and thus any  
13 relevant, available information is now as equally accessible to Plaintiffs as it is to Defendants.  
14 Further, in providing this response, Defendants are defining "some" as "more than one" as  
15 suggested by Plaintiffs in their August 10, 2009 meet and confer letter. Subject to and without  
16 waiving the foregoing objections and qualifications, Defendants respond as follows:

17 ADMITTED on the following qualified basis: For some of the objects (meaning more  
18 than one) associated with the master bundle records referenced in the first two columns of Exhibit  
19 A, part of the process for generating the object was to compare the object in one environment  
20 specific to TomorrowNow's retrofit support of specific TomorrowNow customers to the same  
21 named object in an earlier release environment specific to TomorrowNow's retrofit support of  
22 specific TomorrowNow customers in part to help make the needed changes in the earlier release  
23 that corresponded to the changes in the PeopleSoft posted tax update for the later release. To the  
24 extent not admitted, this request is DENIED.

25 **REQUEST FOR ADMISSION NO. 555:**

26 Admit that in order to generate at least one Fix or Update listed in the first two columns of  
27 Exhibit A, part of TN's process was to compare Fix Objects in a Copy of one of its "extended  
28 support environments" (as the term is used in Requests Nos. 508-511) with Fix Objects in a

1 different Copy of one of its “extended support environments” for an earlier release in part to  
2 recreate changes corresponding to the changes made by PeopleSoft or Oracle for an earlier  
3 release or releases supported by TN.

4 **RESPONSE TO REQUEST FOR ADMISSION NO. 555:**

5 Defendants object to this request on the grounds stated in the General Objections and  
6 Responses. Defendants’ response is based solely on Defendant TomorrowNow’s knowledge with  
7 respect to the information sought in this request because Defendants SAP AG and SAP America  
8 have no additional knowledge separate and apart from the information provided by Defendant  
9 TomorrowNow in this response. Defendants object to the request because the terms “Fix,”  
10 “Update,” “generate,” “compare,” “copy,” and “extended support environments” are subject to  
11 multiple meanings and, as such, are overly broad, vague, and ambiguous. Defendants object to  
12 the phrase “in part to recreate changes corresponding to the changes made by PeopleSoft or  
13 Oracle for an earlier release or releases supported by TN” as being subject to multiple meanings  
14 and, as such, being vague and ambiguous. Defendants further object to the term “Fix Objects” as  
15 overly broad, vague, and inaccurate to the extent it includes the phrase “discrete unit of code.”  
16 Defendants respond as if the undefined term “object” was used in “Fix Objects” place. Further,  
17 Exhibit A lists the names of master bundles as that term was used by TomorrowNow in the SAS  
18 database. The master bundles are not the actual objects that are developed for TomorrowNow  
19 customers. Master bundles and master fixes are records that simply identify problems for which  
20 TomorrowNow generally developed objects to resolve. The object development often took place  
21 at the release level, source level, and customer level. If this request is actually asking for  
22 information related to each and every object TomorrowNow developed, this number is more in  
23 line with the 33,185 listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for  
24 Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this question,  
25 Defendants would have to analyze each individual object in each fix or update contained within  
26 each master bundle. Defendants, therefore, object to this request as compound and unduly  
27 burdensome in that this request seeks information and activities that (1) involved many thousands  
28 of objects, (2) involved numerous employees, (3) took place over several years, and (4) would



1 require Defendants to review substantial business records to determine an answer, if possible, for  
2 each of the numerous numbers of objects contained within the fixes and updates, and Defendants'  
3 burden in doing so would be substantially similar to the burden for Plaintiffs to do so given that  
4 the available information is at least as equally accessible to Plaintiffs as it is to Defendants.  
5 Defendants also object to the term "extended support environment" (as the term was used in  
6 Request Nos. 508-511) for the reasons stated in Defendants' objections to Request Nos. 508-511.

7 Subject to the General Objections and Responses and these specific objections, after a  
8 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
9 sufficient knowledge and information to either admit or deny these requests, as the information  
10 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
11 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

12 **AMENDED REQUEST FOR ADMISSION NO. 555:**

13 Admit that in order to generate at least one Fix or Update listed in the first two columns of  
14 Exhibit A, part of TN's process was to compare Fix Objects in a Copy of one of its Generic  
15 Environments with Fix Objects in a different Copy of one of its Generic Environments for an  
16 earlier release in part to recreate changes corresponding to the changes made by PeopleSoft or  
17 Oracle for an earlier release or releases supported by TN.

18 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 555:**

19 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
20 General Objections noted above. Defendants' response is based solely on Defendant  
21 TomorrowNow's knowledge with respect to the information sought in this request because  
22 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
23 information provided by Defendant TomorrowNow in this response. Defendants object to the  
24 request because the terms "fix," "update," "generate," "compare," "copy," and "generic  
25 environments" make this request overly broad, vague and ambiguous. "Generic Environments" is  
26 a term created by Plaintiffs and as used and defined by Plaintiffs is misleading by attempting to  
27 suggest that any such environments or environment components were not used for limited  
28 customers, scope or purpose. Defendants further object to the definition of "Generic

1 Environments” to the extent it incorporates the overly broad, unduly burdensome, and vague term  
2 “environments,” to which Defendants object above. Defendants object to the phrase “in part to  
3 recreate changes corresponding to the changes made by PeopleSoft or Oracle for an earlier  
4 release or releases supported by TN” as being subject to multiple meanings and, as such, being  
5 overly broad, vague and ambiguous. Further, Exhibit A lists the names of “master bundles” as  
6 that phrase was used by TomorrowNow in the SAS database. TomorrowNow’s “master bundles”  
7 are not the actual objects included in fixes or updates that are developed for TomorrowNow’s  
8 customers. “Master bundles” and “master fixes” are records that describe the issue to be  
9 addressed and then serve as a record keeping device and reference for that issue and related  
10 activity TomorrowNow undertook to address that issue. The actual development of customer-  
11 specific objects included in customer-specific fixes and updates was referenced to a “master  
12 bundle” or “master fix” record for identification and record keeping purposes. Thus, if this  
13 request seeks an admission related to each and every object related to each and every customer-  
14 specific fix or update that TomorrowNow developed, then this single request impermissibly seeks  
15 literally thousands of admissions similar to the admissions Plaintiffs impermissibly seek  
16 regarding the 33,185 objects listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for  
17 Admissions to SAP AG, SAP America, and TomorrowNow. If that is the intent of this request,  
18 then to respond to this request, Defendants would have to analyze each individual object in each  
19 fix or update contained within each master bundle. Defendants, therefore, object on the basis that  
20 this request is compound, overly broad and unduly burdensome because it seeks an admission  
21 regarding thousands of separate activities that (1) involved many thousands of objects, (2)  
22 involved numerous employees, (3) took place over several years, and (4) would require  
23 Defendants to review enormous volumes of business records to attempt to determine an answer, if  
24 possible, for each of the numerous objects contained within the referenced fixes and updates.  
25 Moreover, Defendants object to this request on the basis that Defendants’ burden associated with  
26 responding to this request is substantially similar to the burden for Plaintiffs to obtain the  
27 information sought through this request, especially because the available documents, data and  
28 other information from which the answer, if any, could be derived in response to this request have

1 been produced by Defendants in response to Plaintiffs' other discovery requests and thus any  
2 relevant, available information is now as equally accessible to Plaintiffs as it is to Defendants.  
3 Subject to and without waiving the foregoing objections and qualifications, Defendants respond  
4 as follows:

5 ADMITTED on the following qualified basis: For at least one of the objects associated  
6 with the master bundle records referenced in the first two columns of Exhibit A, part of the  
7 process for generating the object was to compare the object in one environment specific to  
8 TomorrowNow's retrofit support of specific TomorrowNow customers to the same named object  
9 in an earlier release environment specific to TomorrowNow's retrofit support of specific  
10 TomorrowNow customers in part to help make the needed changes in the earlier release that  
11 corresponded to the changes in the PeopleSoft posted tax update for the later release. To the  
12 extent not admitted, this request is DENIED.

13 **REQUEST FOR ADMISSION NO. 556:**

14 Admit that for each Fix or Update listed in the first two columns of Exhibit A, after TN  
15 finalized such Fix or Update, TN made another Copy of an existing "extended support  
16 environment" (as the term is used in Requests Nos. 508-511) in part to apply TN's finalized Fix  
17 or Update and create an updated "extended support environment."

18 **RESPONSE TO REQUEST FOR ADMISSION NO. 556:**

19 Defendants object to this request on the grounds stated in the General Objections and  
20 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
21 respect to the information sought in this request because Defendants SAP AG and SAP America  
22 have no additional knowledge separate and apart from the information provided by Defendant  
23 TomorrowNow in this response. Defendants object to the request because the terms "Fix,"  
24 "Update," "finalized," "made," "copy," "apply," and "extended support environments" are  
25 subject to multiple meanings and, as such, are overly broad, vague, and ambiguous. Defendants  
26 object to the phrase "in part to apply TN's finalized fix or update and create an updated 'extended  
27 support environment'" as being subject to multiple meanings and, as such, being vague and  
28 ambiguous. Further, Exhibit A lists the names of master bundles as that term was used by

1 TomorrowNow in the SAS database. The master bundles are not the actual objects that are  
2 developed for TomorrowNow customers. Master bundles and master fixes are records that  
3 simply identify problems for which TomorrowNow generally developed objects to resolve. The  
4 object development often took place at the release level, source level, and customer level. If this  
5 request is actually asking for information related to each and every object TomorrowNow  
6 developed, this number is more in line with the 33,185 listed in Plaintiffs' Exhibit D to Plaintiffs'  
7 Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To  
8 respond to this question, Defendants would have to analyze each individual object in each fix or  
9 update contained within each master bundle. Defendants, therefore, object to this request as  
10 compound and unduly burdensome in that this request seeks information and activities that (1)  
11 involved many thousands of objects, (2) involved numerous employees, (3) took place over  
12 several years, and (4) would require Defendants to review substantial business records to  
13 determine an answer, if possible, for each of the numerous numbers of objects contained within  
14 the fixes and updates, and Defendants' burden in doing so would be substantially similar to the  
15 burden for Plaintiffs to do so given that the available information is at least as equally accessible  
16 to Plaintiffs as it is to Defendants. Defendants also object to the term "extended support  
17 environment" (as the term was used in Request Nos. 508-511) for the reasons stated in  
18 Defendants' objections to Request Nos. 508-511.

19 Subject to the General Objections and Responses and these specific objections, after a  
20 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
21 sufficient knowledge and information to either admit or deny these requests, as the information  
22 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
23 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

24 **AMENDED REQUEST FOR ADMISSION NO. 556:**

25 Admit that for each Fix or Update listed in the first two columns of Exhibit A, after TN  
26 finalized such Fix or Update, TN made another Copy of an existing Generic Environment in part  
27 to apply TN's finalized Fix or Update and create an updated Generic Environment.  
28

**AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 556:**

Defendants incorporate by reference, as if fully set forth herein, all of Defendants' General Objections noted above. Defendants' response is based solely on Defendant TomorrowNow's knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant TomorrowNow in this response. Defendants object to the request because the terms "fix," "update," "finalized," "apply," "copy," and "generic environment" make this request overly broad, vague and ambiguous. "Generic Environment" is a term created by Plaintiffs and as used and defined by Plaintiffs is misleading by attempting to suggest that any such environment or environment component was not used for limited customers, scope or purpose. Defendants further object to the definition of "Generic Environment" to the extent it incorporates the overly broad, unduly burdensome, and vague term "Environment," to which Defendants object above. Defendants object to the phrase "in part to apply TN's finalized fix or update and create an updated 'generic environment'" as being subject to multiple meanings and, as such, being overly broad, vague and ambiguous. Further, Exhibit A lists the names of "master bundles" as that phrase was used by TomorrowNow in the SAS database. TomorrowNow's "master bundles" are not the actual objects included in fixes or updates that are developed for TomorrowNow's customers. "Master bundles" and "master fixes" are records that describe the issue to be addressed and then serve as a record keeping device and reference for that issue and related activity TomorrowNow undertook to address that issue. The actual development of customer-specific objects included in customer-specific fixes and updates was referenced to a "master bundle" or "master fix" record for identification and record keeping purposes. Thus, if this request seeks an admission related to each and every object related to each and every customer-specific fix or update that TomorrowNow developed, then this single request impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this request, Defendants would have to analyze each

1 individual object in each fix or update contained within each master bundle. Defendants,  
2 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
3 because it seeks an admission regarding thousands of separate activities that (1) involved many  
4 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
5 would require Defendants to review enormous volumes of business records to attempt to  
6 determine an answer, if possible, for each of the numerous objects contained within the  
7 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
8 Defendants' burden associated with responding to this request is substantially similar to the  
9 burden for Plaintiffs to obtain the information sought through this request, especially because the  
10 available documents, data and other information from which the answer, if any, could be derived  
11 in response to this request have been produced by Defendants in response to Plaintiffs' other  
12 discovery requests and thus any relevant, available information is now as equally accessible to  
13 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
14 qualifications, Defendants respond as follows:

15 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
16 information Defendants currently know or can readily obtain, Defendants have insufficient  
17 information to admit or deny this request.

18 **REQUEST FOR ADMISSION NO. 557:**

19 Admit that for the majority of Fixes or Updates listed in the first two columns of Exhibit  
20 A, after TN finalized such Fix or Update, TN made another Copy of an existing "extended  
21 support environment" (as the term is used in Requests Nos. 508-511) in part to apply TN's  
22 finalized Fix or Update and create an updated "extended support environment."

23 **RESPONSE TO REQUEST FOR ADMISSION NO. 557:**

24 Defendants object to this request on the grounds stated in the General Objections and  
25 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
26 respect to the information sought in this request because Defendants SAP AG and SAP America  
27 have no additional knowledge separate and apart from the information provided by Defendant  
28 TomorrowNow in this response. Defendants object to the request because the terms "Fix(es),"

1 “Updates,” “majority,” “finalized,” “made,” “copy,” “apply,” and “extended support  
2 environments” are subject to multiple meanings and, as such, are overly broad, vague, and  
3 ambiguous. Defendants object to the phrase “in part to apply TN’s finalized fix or update and  
4 create an updated ‘extended support environment’” as being subject to multiple meanings and, as  
5 such, being vague and ambiguous. Further, Exhibit A lists the names of master bundles as that  
6 term was used by TomorrowNow in the SAS database. The master bundles are not the actual  
7 objects that are developed for TomorrowNow customers. Master bundles and master fixes are  
8 records that simply identify problems for which TomorrowNow generally developed objects to  
9 resolve. The object development often took place at the release level, source level, and customer  
10 level. If this request is actually asking for information related to each and every object  
11 TomorrowNow developed, this number is more in line with the 33,185 listed in Plaintiffs’ Exhibit  
12 D to Plaintiffs’ Third Set of Requests for Admissions to SAP AG, SAP America, and  
13 TomorrowNow. To respond to this question, Defendants would have to analyze each individual  
14 object in each fix or update contained within each master bundle. Defendants, therefore, object to  
15 this request as compound and unduly burdensome in that this request seeks information and  
16 activities that (1) involved many thousands of objects, (2) involved numerous employees, (3) took  
17 place over several years, and (4) would require Defendants to review substantial business records  
18 to determine an answer, if possible, for each of the numerous numbers of objects contained within  
19 the fixes and updates, and Defendants’ burden in doing so would be substantially similar to the  
20 burden for Plaintiffs to do so given that the available information is at least as equally accessible  
21 to Plaintiffs as it is to Defendants. Defendants also object to the term “extended support  
22 environment” (as the term was used in Request Nos. 508-511) for the reasons stated in  
23 Defendants’ objections to Request Nos. 508-511.

24 Subject to the General Objections and Responses and these specific objections, after a  
25 reasonable inquiry and based on Defendants’ understanding of these questions, Defendants lack  
26 sufficient knowledge and information to either admit or deny these requests, as the information  
27 sought was not tracked, recorded, or maintained by TomorrowNow in a “readily obtainable  
28 manner.” Based on all of the reasons and objections stated above, these requests are DENIED.

**AMENDED REQUEST FOR ADMISSION NO. 557:**

Admit that for the majority of Fixes or Updates listed in the first two columns of Exhibit A, after TN finalized such Fix or Update, TN made another Copy of an existing Generic Environment in part to apply TN's finalized Fix or Update and create an updated Generic Environment.

**AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 557:**

Defendants incorporate by reference, as if fully set forth herein, all of Defendants' General Objections noted above. Defendants' response is based solely on Defendant TomorrowNow's knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant TomorrowNow in this response. Defendants object to the request because the terms "fix," "update," "finalized," "apply," "copy," and "generic environment" make this request overly broad, vague and ambiguous. "Generic Environment" is a term created by Plaintiffs and as used and defined by Plaintiffs is misleading by attempting to suggest that any such environment or environment component was not used for limited customers, scope or purpose. Defendants further object to the definition of "Generic Environment" to the extent it incorporates the overly broad, unduly burdensome, and vague term "Environment," to which Defendants object above. Defendants object to the phrase "in part to apply TN's finalized fix or update and create an updated 'generic environment'" as being subject to multiple meanings and, as such, being overly broad, vague and ambiguous. Further, Exhibit A lists the names of "master bundles" as that phrase was used by TomorrowNow in the SAS database. TomorrowNow's "master bundles" are not the actual objects included in fixes or updates that are developed for TomorrowNow's customers. "Master bundles" and "master fixes" are records that describe the issue to be addressed and then serve as a record keeping device and reference for that issue and related activity TomorrowNow undertook to address that issue. The actual development of customer-specific objects included in customer-specific fixes and updates was referenced to a "master bundle" or "master fix" record for identification and record keeping purposes. Thus, if this request seeks an admission related to each and every object related to each



1 and every customer-specific fix or update that TomorrowNow developed, then this single request  
2 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
3 impermissibly seek regarding the 33,185 objects listed in Plaintiffs' Exhibit D to Plaintiffs' Third  
4 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
5 intent of this request, then to respond to this request, Defendants would have to analyze each  
6 individual object in each fix or update contained within each master bundle. Defendants,  
7 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
8 because it seeks an admission regarding thousands of separate activities that (1) involved many  
9 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
10 would require Defendants to review enormous volumes of business records to attempt to  
11 determine an answer, if possible, for each of the numerous objects contained within the  
12 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
13 Defendants' burden associated with responding to this request is substantially similar to the  
14 burden for Plaintiffs to obtain the information sought through this request, especially because the  
15 available documents, data and other information from which the answer, if any, could be derived  
16 in response to this request have been produced by Defendants in response to Plaintiffs' other  
17 discovery requests and thus any relevant, available information is now as equally accessible to  
18 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
19 qualifications, Defendants respond as follows:

20 ADMITTED on the following qualified basis: TomorrowNow reasonably believes that  
21 for the majority of the objects (meaning at least one object more than half of the total objects)  
22 associated with the master bundle records referenced in the first two columns of Exhibit A, that  
23 after TomorrowNow generated the object, it was applied to an existing environment specific to  
24 TomorrowNow's retrofit support of specific TomorrowNow customers and the name of that  
25 environment was changed to signify that the object had been applied. To the extent not admitted,  
26 this request is DENIED.

27 **REQUEST FOR ADMISSION NO. 558:**

28 Admit that for some Fixes or Updates listed in the first two columns of Exhibit A, after

1 TN finalized such Fix or Update, TN made another Copy of an existing “extended support  
2 environment” (as the term is used in Requests Nos. 508-511) in part to apply TN’s finalized Fix  
3 or Update and create an updated “extended support environment.”

4 **RESPONSE TO REQUEST FOR ADMISSION NO. 558:**

5 Defendants object to this request on the grounds stated in the General Objections and  
6 Responses. Defendants’ response is based solely on Defendant TomorrowNow’s knowledge with  
7 respect to the information sought in this request because Defendants SAP AG and SAP America  
8 have no additional knowledge separate and apart from the information provided by Defendant  
9 TomorrowNow in this response. Defendants object to the request because the terms “Fix,”  
10 “Update,” “finalized,” “made,” “copy,” “apply,” “some,” and “extended support environments”  
11 are subject to multiple meanings and, as such, are overly broad, vague, and ambiguous.

12 Defendants object to the phrase “in part to apply TN’s finalized fix or update and create an  
13 updated ‘extended support environment’” as being subject to multiple meanings and, as such,  
14 being vague and ambiguous. Further, Exhibit A lists the names of master bundles as that term  
15 was used by TomorrowNow in the SAS database. The master bundles are not the actual objects  
16 that are developed for TomorrowNow customers. Master bundles and master fixes are records  
17 that simply identify problems for which TomorrowNow generally developed objects to resolve.  
18 The object development often took place at the release level, source level, and customer level. If  
19 this request is actually asking for information related to each and every object TomorrowNow  
20 developed, this number is more in line with the 33,185 listed in Plaintiffs’ Exhibit D to Plaintiffs’  
21 Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To  
22 respond to this question, Defendants would have to analyze each individual object in each fix or  
23 update contained within each master bundle. Defendants, therefore, object to this request as  
24 compound and unduly burdensome in that this request seeks information and activities that (1)  
25 involved many thousands of objects, (2) involved numerous employees, (3) took place over  
26 several years, and (4) would require Defendants to review substantial business records to  
27 determine an answer, if possible, for each of the numerous numbers of objects contained within  
28 the fixes and updates, and Defendants’ burden in doing so would be substantially similar to the

1 burden for Plaintiffs to do so given that the available information is at least as equally accessible  
2 to Plaintiffs as it is to Defendants. Defendants also object to the term “extended support  
3 environment” (as the term was used in Request Nos. 508-511) for the reasons stated in  
4 Defendants’ objections to Request Nos. 508-511.

5 Subject to the General Objections and Responses and these specific objections, after a  
6 reasonable inquiry and based on Defendants’ understanding of these questions, Defendants lack  
7 sufficient knowledge and information to either admit or deny these requests, as the information  
8 sought was not tracked, recorded, or maintained by TomorrowNow in a “readily obtainable  
9 manner.” Based on all of the reasons and objections stated above, these requests are DENIED.

10 **AMENDED REQUEST FOR ADMISSION NO. 558:**

11 Admit that for some Fixes or Updates listed in the first two columns of Exhibit A, after  
12 TN finalized such Fix or Update, TN made another Copy of an existing Generic Environment in  
13 part to apply TN’s finalized Fix or Update and create an updated Generic Environment.

14 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 558:**

15 Defendants incorporate by reference, as if fully set forth herein, all of Defendants’  
16 General Objections noted above. Defendants’ response is based solely on Defendant  
17 TomorrowNow’s knowledge with respect to the information sought in this request because  
18 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
19 information provided by Defendant TomorrowNow in this response. Defendants object to the  
20 request because the terms “fix,” “update,” “finalized,” “apply,” “copy,” and “generic  
21 environment” make this request overly broad, vague and ambiguous. “Generic Environment” is a  
22 term created by Plaintiffs and as used and defined by Plaintiffs is misleading by attempting to  
23 suggest that any such environment or environment component was not used for limited customers,  
24 scope or purpose. Defendants further object to the definition of “Generic Environment” to the  
25 extent it incorporates the overly broad, unduly burdensome, and vague term “Environment,” to  
26 which Defendants object above. Defendants object to the phrase “in part to apply TN’s finalized  
27 fix or update and create an updated ‘generic environment’” as being subject to multiple meanings  
28 and, as such, being overly broad, vague and ambiguous. Further, Exhibit A lists the names of

1 “master bundles” as that phrase was used by TomorrowNow in the SAS database.  
2 TomorrowNow’s “master bundles” are not the actual objects included in fixes or updates that are  
3 developed for TomorrowNow’s customers. “Master bundles” and “master fixes” are records that  
4 describe the issue to be addressed and then serve as a record keeping device and reference for that  
5 issue and related activity TomorrowNow undertook to address that issue. The actual  
6 development of customer-specific objects included in customer-specific fixes and updates was  
7 referenced to a “master bundle” or “master fix” record for identification and record keeping  
8 purposes. Thus, if this request seeks an admission related to each and every object related to each  
9 and every customer-specific fix or update that TomorrowNow developed, then this single request  
10 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
11 impermissibly seek regarding the 33,185 objects listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third  
12 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
13 intent of this request, then to respond to this request, Defendants would have to analyze each  
14 individual object in each fix or update contained within each master bundle. Defendants,  
15 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
16 because it seeks an admission regarding thousands of separate activities that (1) involved many  
17 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
18 would require Defendants to review enormous volumes of business records to attempt to  
19 determine an answer, if possible, for each of the numerous objects contained within the  
20 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
21 Defendants’ burden associated with responding to this request is substantially similar to the  
22 burden for Plaintiffs to obtain the information sought through this request, especially because the  
23 available documents, data and other information from which the answer, if any, could be derived  
24 in response to this request have been produced by Defendants in response to Plaintiffs’ other  
25 discovery requests and thus any relevant, available information is now as equally accessible to  
26 Plaintiffs as it is to Defendants. Further, in providing this response, Defendants are defining  
27 “some” as “more than one” as suggested by Plaintiffs in their August 10, 2009 meet and confer  
28 letter. Subject to and without waiving the foregoing objections and qualifications, Defendants

1 respond as follows:

2 ADMITTED on the following qualified basis: TomorrowNow reasonably believes that  
3 for some of the objects (meaning more than one) associated with the master bundle records  
4 referenced in the first two columns of Exhibit A, that after TomorrowNow generated the object, it  
5 was applied to an existing environment specific to TomorrowNow's retrofit support of specific  
6 TomorrowNow customers and the name of that environment was changed to signify that the  
7 object had been applied. To the extent not admitted, this request is DENIED.

8 **REQUEST FOR ADMISSION NO. 559:**

9 Admit that for at least one Fix or Update listed in the first two columns of Exhibit A, after  
10 TN finalized such Fix or Update, TN made another Copy of an existing "extended support  
11 environment" (as the term is used in Requests Nos. 508-511) in part to apply TN's finalized Fix  
12 or Update and create an updated "extended support environment."

13 **RESPONSE TO REQUEST FOR ADMISSION NO. 559:**

14 Defendants object to this request on the grounds stated in the General Objections and  
15 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
16 respect to the information sought in this request because Defendants SAP AG and SAP America  
17 have no additional knowledge separate and apart from the information provided by Defendant  
18 TomorrowNow in this response. Defendants object to the request because the terms "Fix,"  
19 "Update," "finalized," "made," "copy," "apply," and "extended support environments" are  
20 subject to multiple meanings and, as such, are overly broad, vague, and ambiguous. Defendants  
21 object to the phrase "in part to apply TN's finalized fix or update and create an updated 'extended  
22 support environment'" as being subject to multiple meanings and, as such, being vague and  
23 ambiguous. Further, Exhibit A lists the names of master bundles as that term was used by  
24 TomorrowNow in the SAS database. The master bundles are not the actual objects that are  
25 developed for TomorrowNow customers. Master bundles and master fixes are records that  
26 simply identify problems for which TomorrowNow generally developed objects to resolve. The  
27 object development often took place at the release level, source level, and customer level. If this  
28 request is actually asking for information related to each and every object TomorrowNow

1 developed, this number is more in line with the 33,185 listed in Plaintiffs' Exhibit D to Plaintiffs'  
2 Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To  
3 respond to this question, Defendants would have to analyze each individual object in each fix or  
4 update contained within each master bundle. Defendants, therefore, object to this request as  
5 compound and unduly burdensome in that this request seeks information and activities that (1)  
6 involved many thousands of objects, (2) involved numerous employees, (3) took place over  
7 several years, and (4) would require Defendants to review substantial business records to  
8 determine an answer, if possible, for each of the numerous numbers of objects contained within  
9 the fixes and updates, and Defendants' burden in doing so would be substantially similar to the  
10 burden for Plaintiffs to do so given that the available information is at least as equally accessible  
11 to Plaintiffs as it is to Defendants. Defendants also object to the term "extended support  
12 environment" (as the term was used in Request Nos. 508-511) for the reasons stated in  
13 Defendants' objections to Request Nos. 508-511.

14 Subject to the General Objections and Responses and these specific objections, after a  
15 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
16 sufficient knowledge and information to either admit or deny these requests, as the information  
17 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
18 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

19 **AMENDED REQUEST FOR ADMISSION NO. 559:**

20 Admit that for at least one Fix or Update listed in the first two columns of Exhibit A, after  
21 TN finalized such Fix or Update, TN made another Copy of an existing Generic Environment in  
22 part to apply TN's finalized Fix or Update and create an updated Generic Environment.

23 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 559:**

24 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
25 General Objections noted above. Defendants' response is based solely on Defendant  
26 TomorrowNow's knowledge with respect to the information sought in this request because  
27 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
28 information provided by Defendant TomorrowNow in this response. Defendants object to the

1 request because the terms “fix,” “update,” “finalized,” “apply,” “copy,” and “generic  
2 environment” make this request overly broad, vague and ambiguous. “Generic Environment” is a  
3 term created by Plaintiffs and as used and defined by Plaintiffs is misleading by attempting to  
4 suggest that any such environment or environment component was not used for limited customers,  
5 scope or purpose. Defendants further object to the definition of “Generic Environment” to the  
6 extent it incorporates the overly broad, unduly burdensome, and vague term “Environment,” to  
7 which Defendants object above. Defendants object to the phrase “in part to apply TN’s finalized  
8 fix or update and create an updated ‘generic environment’” as being subject to multiple meanings  
9 and, as such, being overly broad, vague and ambiguous. Further, Exhibit A lists the names of  
10 “master bundles” as that phrase was used by TomorrowNow in the SAS database.  
11 TomorrowNow’s “master bundles” are not the actual objects included in fixes or updates that are  
12 developed for TomorrowNow’s customers. “Master bundles” and “master fixes” are records that  
13 describe the issue to be addressed and then serve as a record keeping device and reference for that  
14 issue and related activity TomorrowNow undertook to address that issue. The actual  
15 development of customer-specific objects included in customer-specific fixes and updates was  
16 referenced to a “master bundle” or “master fix” record for identification and record keeping  
17 purposes. Thus, if this request seeks an admission related to each and every object related to each  
18 and every customer-specific fix or update that TomorrowNow developed, then this single request  
19 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
20 impermissibly seek regarding the 33,185 objects listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third  
21 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
22 intent of this request, then to respond to this request, Defendants would have to analyze each  
23 individual object in each fix or update contained within each master bundle. Defendants,  
24 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
25 because it seeks an admission regarding thousands of separate activities that (1) involved many  
26 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
27 would require Defendants to review enormous volumes of business records to attempt to  
28 determine an answer, if possible, for each of the numerous objects contained within the

1 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
2 Defendants' burden associated with responding to this request is substantially similar to the  
3 burden for Plaintiffs to obtain the information sought through this request, especially because the  
4 available documents, data and other information from which the answer, if any, could be derived  
5 in response to this request have been produced by Defendants in response to Plaintiffs' other  
6 discovery requests and thus any relevant, available information is now as equally accessible to  
7 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
8 qualifications, Defendants respond as follows:

9 ADMITTED on the following qualified basis: TomorrowNow reasonably believes that  
10 for at least one of the objects associated with the master bundle records referenced in the first two  
11 columns of Exhibit A, that after TomorrowNow generated the object, it was applied to an existing  
12 environment specific to TomorrowNow's retrofit support of specific TomorrowNow customers  
13 and the name of that environment was changed to signify that the object had been applied. To the  
14 extent not admitted, this request is DENIED.

15 **REQUEST FOR ADMISSION NO. 560:**

16 Admit that for each Fix or Update listed in the first two columns of Exhibit A, TN used  
17 the updated "extended support environment" (as referred to in Requests Nos. 508-511) in part to  
18 generate the next scheduled Fix or Update.

19 **RESPONSE TO REQUEST FOR ADMISSION NO. 560:**

20 Defendants object to this request on the grounds stated in the General Objections and  
21 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
22 respect to the information sought in this request because Defendants SAP AG and SAP America  
23 have no additional knowledge separate and apart from the information provided by Defendant  
24 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
25 "Fix," "Update," "used," "updated 'extended support environment'," and "generate" are subject  
26 to multiple meanings and, as such, are overly broad, vague, and ambiguous. Defendants object to  
27 the phrase "in part to generate the next scheduled fix or update" as being subject to multiple  
28 meanings and, as such, being vague and ambiguous. Further, Exhibit A lists the names of master



1 bundles as that term was used by TomorrowNow in the SAS database. The master bundles are  
2 not the actual objects that are developed for TomorrowNow customers. Master bundles and  
3 master fixes are records that simply identify problems for which TomorrowNow generally  
4 developed objects to resolve. The object development often took place at the release level, source  
5 level, and customer level. If this request is actually asking for information related to each and  
6 every object TomorrowNow developed, this number is more in line with the 33,185 listed in  
7 Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG, SAP  
8 America, and TomorrowNow. To respond to this question, Defendants would have to analyze  
9 each individual object in each fix or update contained within each master bundle. Defendants,  
10 therefore, object to this request as compound and unduly burdensome in that this request seeks  
11 information and activities that (1) involved many thousands of objects, (2) involved numerous  
12 employees, (3) took place over several years, and (4) would require Defendants to review  
13 substantial business records to determine an answer, if possible, for each of the numerous  
14 numbers of objects contained within the fixes and updates, and Defendants' burden in doing so  
15 would be substantially similar to the burden for Plaintiffs to do so given that the available  
16 information is at least as equally accessible to Plaintiffs as it is to Defendants. Defendants also  
17 object to the term "extended support environment" (as the term was used in Request Nos.  
18 508-511) for the reasons stated in Defendants' objections to Request Nos. 508-511.

19 Subject to the General Objections and Responses and these specific objections, after a  
20 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
21 sufficient knowledge and information to either admit or deny these requests, as the information  
22 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
23 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

24 **AMENDED REQUEST FOR ADMISSION NO. 560:**

25 Admit that for each Fix or Update listed in the first two columns of Exhibit A, TN used  
26 the updated Generic Environment in part to generate the next scheduled Fix or Update.

27 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 560:**

28 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'

1 General Objections noted above. Defendants' response is based solely on Defendant  
2 TomorrowNow's knowledge with respect to the information sought in this request because  
3 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
4 information provided by Defendant TomorrowNow in this response. Defendants object to the  
5 request because the terms "fix," "update," "updated," "generate," and "generic environment"  
6 make this request overly broad, vague and ambiguous. "Generic Environment" is a term created  
7 by Plaintiffs and as used and defined by Plaintiffs is misleading by attempting to suggest that any  
8 such environment or environment component was not used for limited customers, scope or  
9 purpose. Defendants further object to the definition of "Generic Environment" to the extent it  
10 incorporates the overly broad, unduly burdensome, and vague term "Environment," to which  
11 Defendants object above. Defendants object to the phrase "in part to generate the next scheduled  
12 fix or update" as being subject to multiple meanings and, as such, being overly broad, vague and  
13 ambiguous. Further, Exhibit A lists the names of "master bundles" as that phrase was used by  
14 TomorrowNow in the SAS database. TomorrowNow's "master bundles" are not the actual  
15 objects included in fixes or updates that are developed for TomorrowNow's customers. "Master  
16 bundles" and "master fixes" are records that describe the issue to be addressed and then serve as a  
17 record keeping device and reference for that issue and related activity TomorrowNow undertook  
18 to address that issue. The actual development of customer-specific objects included in customer-  
19 specific fixes and updates was referenced to a "master bundle" or "master fix" record for  
20 identification and record keeping purposes. Thus, if this request seeks an admission related to  
21 each and every object related to each and every customer-specific fix or update that  
22 TomorrowNow developed, then this single request impermissibly seeks literally thousands of  
23 admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects  
24 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG,  
25 SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
26 request, Defendants would have to analyze each individual object in each fix or update contained  
27 within each master bundle. Defendants, therefore, object on the basis that this request is  
28 compound, overly broad and unduly burdensome because it seeks an admission regarding

1 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
2 numerous employees, (3) took place over several years, and (4) would require Defendants to  
3 review enormous volumes of business records to attempt to determine an answer, if possible, for  
4 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
5 Defendants object to this request on the basis that Defendants' burden associated with responding  
6 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
7 through this request, especially because the available documents, data and other information from  
8 which the answer, if any, could be derived in response to this request have been produced by  
9 Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available  
10 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and  
11 without waiving the foregoing objections and qualifications, Defendants respond as follows:

12 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
13 information Defendants currently know or can readily obtain, Defendants have insufficient  
14 information to admit or deny this request.

15 **REQUEST FOR ADMISSION NO. 561:**

16 Admit that for the majority of Fixes or Updates listed in the first two columns of Exhibit  
17 A, TN used the updated "extended support environment" (as referred to in Requests Nos. 508-511)  
18 in part to generate the next scheduled Fix or Update.

19 **RESPONSE TO REQUEST FOR ADMISSION NO. 561:**

20 Defendants object to this request on the grounds stated in the General Objections and  
21 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
22 respect to the information sought in this request because Defendants SAP AG and SAP America  
23 have no additional knowledge separate and apart from the information provided by Defendant  
24 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
25 "Fix(es)," "Update," "majority," "used," "updated 'extended support environment'" and  
26 "generate" are subject to multiple meanings and, as such, are overly broad, vague, and ambiguous.  
27 Defendants object to the phrase "in part to generate the next scheduled fix or update" as being  
28 subject to multiple meanings and, as such, being vague and ambiguous. Further, Exhibit A lists

1 the names of master bundles as that term was used by TomorrowNow in the SAS database. The  
2 master bundles are not the actual objects that are developed for TomorrowNow customers.  
3 Master bundles and master fixes are records that simply identify problems for which  
4 TomorrowNow generally developed objects to resolve. The object development often took place  
5 at the release level, source level, and customer level. If this request is actually asking for  
6 information related to each and every object TomorrowNow developed, this number is more in  
7 line with the 33,185 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for  
8 Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this question,  
9 Defendants would have to analyze each individual object in each fix or update contained within  
10 each master bundle. Defendants, therefore, object to this request as compound and unduly  
11 burdensome in that this request seeks information and activities that (1) involved many thousands  
12 of objects, (2) involved numerous employees, (3) took place over several years, and (4) would  
13 require Defendants to review substantial business records to determine an answer, if possible, for  
14 each of the numerous numbers of objects contained within the fixes and updates, and Defendants'  
15 burden in doing so would be substantially similar to the burden for Plaintiffs to do so given that  
16 the available information is at least as equally accessible to Plaintiffs as it is to Defendants.  
17 Defendants also object to the term "extended support environment" (as the term was used in  
18 Request Nos. 508-511) for the reasons stated in Defendants' objections to Request Nos. 508-511.

19 Subject to the General Objections and Responses and these specific objections, after a  
20 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
21 sufficient knowledge and information to either admit or deny these requests, as the information  
22 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
23 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

24 **AMENDED REQUEST FOR ADMISSION NO. 561:**

25 Admit that for the majority of Fixes or Updates listed in the first two columns of Exhibit  
26 A, TN used the updated Generic Environment in part to generate the next scheduled Fix or  
27 Update.

28

**AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 561:**

Defendants incorporate by reference, as if fully set forth herein, all of Defendants' General Objections noted above. Defendants' response is based solely on Defendant TomorrowNow's knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant TomorrowNow in this response. Defendants object to the request because the terms "fix," "update," "updated," "generate," and "generic environment" make this request overly broad, vague and ambiguous. "Generic Environment" is a term created by Plaintiffs and as used and defined by Plaintiffs is misleading by attempting to suggest that any such environment or environment component was not used for limited customers, scope or purpose. Defendants further object to the definition of "Generic Environment" to the extent it incorporates the overly broad, unduly burdensome, and vague term "Environment," to which Defendants object above. Defendants object to the phrase "in part to generate the next scheduled fix or update" as being subject to multiple meanings and, as such, being overly broad, vague and ambiguous. Further, Exhibit A lists the names of "master bundles" as that phrase was used by TomorrowNow in the SAS database. TomorrowNow's "master bundles" are not the actual objects included in fixes or updates that are developed for TomorrowNow's customers. "Master bundles" and "master fixes" are records that describe the issue to be addressed and then serve as a record keeping device and reference for that issue and related activity TomorrowNow undertook to address that issue. The actual development of customer-specific objects included in customer-specific fixes and updates was referenced to a "master bundle" or "master fix" record for identification and record keeping purposes. Thus, if this request seeks an admission related to each and every object related to each and every customer-specific fix or update that TomorrowNow developed, then this single request impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this request, Defendants would have to analyze each individual object in each fix or update contained

1 within each master bundle. Defendants, therefore, object on the basis that this request is  
2 compound, overly broad and unduly burdensome because it seeks an admission regarding  
3 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
4 numerous employees, (3) took place over several years, and (4) would require Defendants to  
5 review enormous volumes of business records to attempt to determine an answer, if possible, for  
6 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
7 Defendants object to this request on the basis that Defendants' burden associated with responding  
8 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
9 through this request, especially because the available documents, data and other information from  
10 which the answer, if any, could be derived in response to this request have been produced by  
11 Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available  
12 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and  
13 without waiving the foregoing objections and qualifications, Defendants respond as follows:

14 ADMITTED on the following qualified basis: TomorrowNow reasonably believes that  
15 for the majority of the objects (meaning at least one object more than half of the total objects)  
16 associated with the master bundle records referenced in the first two columns of Exhibit A, that  
17 after TomorrowNow applied the object to an existing environment specific to TomorrowNow's  
18 retrofit support of specific TomorrowNow customers and the name of that environment was  
19 changed to signify that the object had been applied, that environment would be used in part to  
20 help generate the next scheduled object for TomorrowNow's retrofit support of specific  
21 TomorrowNow customers. To the extent not admitted, this request is DENIED.

22 **REQUEST FOR ADMISSION NO. 562:**

23 Admit that for some Fixes or Updates listed in the first two columns of Exhibit A, TN  
24 used the updated "extended support environment" (as referred to in Requests Nos. 508-511) in  
25 part to generate the next scheduled Fix or Update.

26 **RESPONSE TO REQUEST FOR ADMISSION NO. 562:**

27 Defendants object to this request on the grounds stated in the General Objections and  
28 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with

1 respect to the information sought in this request because Defendants SAP AG and SAP America  
2 have no additional knowledge separate and apart from the information provided by Defendant  
3 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
4 “Fix(es),” “Update,” “majority,” “used,” “updated ‘extended support environment’” and  
5 “generate” are subject to multiple meanings and, as such, are overly broad, vague, and ambiguous.  
6 Defendants object to the phrase “in part to generate the next scheduled fix or update” as being  
7 subject to multiple meanings and, as such, being vague and ambiguous. Further, Exhibit A lists  
8 the names of master bundles as that term was used by TomorrowNow in the SAS database. The  
9 master bundles are not the actual objects that are developed for TomorrowNow customers.  
10 Master bundles and master fixes are records that simply identify problems for which  
11 TomorrowNow generally developed objects to resolve. The object development often took place  
12 at the release level, source level, and customer level. If this request is actually asking for  
13 information related to each and every object TomorrowNow developed, this number is more in  
14 line with the 33,185 listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for  
15 Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this question,  
16 Defendants would have to analyze each individual object in each fix or update contained within  
17 each master bundle. Defendants, therefore, object to this request as compound and unduly  
18 burdensome in that this request seeks information and activities that (1) involved many thousands  
19 of objects, (2) involved numerous employees, (3) took place over several years, and (4) would  
20 require Defendants to review substantial business records to determine an answer, if possible, for  
21 each of the numerous numbers of objects contained within the fixes and updates, and Defendants’  
22 burden in doing so would be substantially similar to the burden for Plaintiffs to do so given that  
23 the available information is at least as equally accessible to Plaintiffs as it is to Defendants.  
24 Defendants also object to the term “extended support environment” (as the term was used in  
25 Request Nos. 508-511) for the reasons stated in Defendants’ objections to Request Nos. 508-511.

26 Subject to the General Objections and Responses and these specific objections, after a  
27 reasonable inquiry and based on Defendants’ understanding of these questions, Defendants lack  
28 sufficient knowledge and information to either admit or deny these requests, as the information

1 sought was not tracked, recorded, or maintained by TomorrowNow in a “readily obtainable  
2 manner.” Based on all of the reasons and objections stated above, these requests are DENIED.

3 **AMENDED REQUEST FOR ADMISSION NO. 562:**

4 Admit that for some Fixes or Updates listed in the first two columns of Exhibit A, TN  
5 used the updated Generic Environment in part to generate the next scheduled Fix or Update.

6 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 562:**

7 Defendants incorporate by reference, as if fully set forth herein, all of Defendants’  
8 General Objections noted above. Defendants’ response is based solely on Defendant  
9 TomorrowNow’s knowledge with respect to the information sought in this request because  
10 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
11 information provided by Defendant TomorrowNow in this response. Defendants object to the  
12 request because the terms “fix,” “update,” “updated,” “generate,” and “generic environment”  
13 make this request overly broad, vague and ambiguous. “Generic Environment” is a term created  
14 by Plaintiffs and as used and defined by Plaintiffs is misleading by attempting to suggest that any  
15 such environment or environment component was not used for limited customers, scope or  
16 purpose. Defendants further object to the definition of “Generic Environment” to the extent it  
17 incorporates the overly broad, unduly burdensome, and vague term “Environment,” to which  
18 Defendants object above. Defendants object to the phrase “in part to generate the next scheduled  
19 fix or update” as being subject to multiple meanings and, as such, being overly broad, vague and  
20 ambiguous. Further, Exhibit A lists the names of “master bundles” as that phrase was used by  
21 TomorrowNow in the SAS database. TomorrowNow’s “master bundles” are not the actual  
22 objects included in fixes or updates that are developed for TomorrowNow’s customers. “Master  
23 bundles” and “master fixes” are records that describe the issue to be addressed and then serve as a  
24 record keeping device and reference for that issue and related activity TomorrowNow undertook  
25 to address that issue. The actual development of customer-specific objects included in customer-  
26 specific fixes and updates was referenced to a “master bundle” or “master fix” record for  
27 identification and record keeping purposes. Thus, if this request seeks an admission related to  
28 each and every object related to each and every customer-specific fix or update that



1 TomorrowNow developed, then this single request impermissibly seeks literally thousands of  
2 admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects  
3 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG,  
4 SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
5 request, Defendants would have to analyze each individual object in each fix or update contained  
6 within each master bundle. Defendants, therefore, object on the basis that this request is  
7 compound, overly broad and unduly burdensome because it seeks an admission regarding  
8 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
9 numerous employees, (3) took place over several years, and (4) would require Defendants to  
10 review enormous volumes of business records to attempt to determine an answer, if possible, for  
11 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
12 Defendants object to this request on the basis that Defendants' burden associated with responding  
13 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
14 through this request, especially because the available documents, data and other information from  
15 which the answer, if any, could be derived in response to this request have been produced by  
16 Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available  
17 information is now as equally accessible to Plaintiffs as it is to Defendants. Further, in providing  
18 this response, Defendants are defining "some" as "more than one" as suggested by Plaintiffs in  
19 their August 10, 2009 meet and confer letter. Subject to and without waiving the foregoing  
20 objections and qualifications, Defendants respond as follows:

21 ADMITTED on the following qualified basis: For some of the objects (meaning more  
22 than one) associated with the master bundle records referenced in the first two columns of Exhibit  
23 A, after TomorrowNow applied the object to an existing environment specific to  
24 TomorrowNow's retrofit support of specific TomorrowNow customers and the name of that  
25 environment was changed to signify that the object had been applied, that environment would be  
26 used in part to help generate the next scheduled object for TomorrowNow's retrofit support of  
27 specific TomorrowNow customers. To the extent not admitted, this request is DENIED.

28

1 **REQUEST FOR ADMISSION NO. 563:**

2 Admit that for at least one Fix or Update listed in the first two columns of Exhibit A, TN  
3 used the updated “extended support environment” (as referred to in Requests Nos. 508-511) in  
4 part to generate the next scheduled Fix or Update.

5 **RESPONSE TO REQUEST FOR ADMISSION NO. 563:**

6 Defendants object to this request on the grounds stated in the General Objections and  
7 Responses. Defendants’ response is based solely on Defendant TomorrowNow’s knowledge with  
8 respect to the information sought in this request because Defendants SAP AG and SAP America  
9 have no additional knowledge separate and apart from the information provided by Defendant  
10 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
11 “Fix,” “Update,” “used,” “updated ‘extended support environment,’” and “generate” are subject  
12 to multiple meanings and, as such, are overly broad, vague, and ambiguous. Defendants object to  
13 the phrase “in part to generate the next scheduled fix or update” as being subject to multiple  
14 meanings and, as such, being vague and ambiguous. Further, Exhibit A lists the names of master  
15 bundles as that term was used by TomorrowNow in the SAS database. The master bundles are  
16 not the actual objects that are developed for TomorrowNow customers. Master bundles and  
17 master fixes are records that simply identify problems for which TomorrowNow generally  
18 developed objects to resolve. The object development often took place at the release level,  
19 source level, and customer level. If this request is actually asking for information related to each  
20 and every object TomorrowNow developed, this number is more in line with the 33,185 listed in  
21 Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for Admissions to SAP AG, SAP  
22 America, and TomorrowNow. To respond to this question, Defendants would have to analyze  
23 each individual object in each fix or update contained within each master bundle. Defendants,  
24 therefore, object to this request as compound and unduly burdensome in that this request seeks  
25 information and activities that (1) involved many thousands of objects, (2) involved numerous  
26 employees, (3) took place over several years, and (4) would require Defendants to review  
27 substantial business records to determine an answer, if possible, for each of the numerous  
28 numbers of objects contained within the fixes and updates, and Defendants’ burden in doing so

1 would be substantially similar to the burden for Plaintiffs to do so given that the available  
2 information is at least as equally accessible to Plaintiffs as it is to Defendants. Defendants also  
3 object to the term “extended support environment” (as the term was used in Request Nos.  
4 508-511) for the reasons stated in Defendants’ objections to Request Nos. 508-511.

5 Subject to the General Objections and Responses and these specific objections, after a  
6 reasonable inquiry and based on Defendants’ understanding of these questions, Defendants lack  
7 sufficient knowledge and information to either admit or deny these requests, as the information  
8 sought was not tracked, recorded, or maintained by TomorrowNow in a “readily obtainable  
9 manner.” Based on all of the reasons and objections stated above, these requests are DENIED.

10 **AMENDED REQUEST FOR ADMISSION NO. 563:**

11 Admit that for at least one Fix or Update listed in the first two columns of Exhibit A, TN  
12 used the updated Generic Environment in part to generate the next scheduled Fix or Update.

13 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 563:**

14 Defendants incorporate by reference, as if fully set forth herein, all of Defendants’  
15 General Objections noted above. Defendants’ response is based solely on Defendant  
16 TomorrowNow’s knowledge with respect to the information sought in this request because  
17 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
18 information provided by Defendant TomorrowNow in this response. Defendants object to the  
19 request because the terms “fix,” “update,” “updated,” “generate,” and “generic environment”  
20 make this request overly broad, vague and ambiguous. “Generic Environment” is a term created  
21 by Plaintiffs and as used and defined by Plaintiffs is misleading by attempting to suggest that any  
22 such environment or environment component was not used for limited customers, scope or  
23 purpose. Defendants further object to the definition of “Generic Environment” to the extent it  
24 incorporates the overly broad, unduly burdensome, and vague term “Environment,” to which  
25 Defendants object above. Defendants object to the phrase “in part to generate the next scheduled  
26 fix or update” as being subject to multiple meanings and, as such, being overly broad, vague and  
27 ambiguous. Further, Exhibit A lists the names of “master bundles” as that phrase was used by  
28 TomorrowNow in the SAS database. TomorrowNow’s “master bundles” are not the actual

1 objects included in fixes or updates that are developed for TomorrowNow's customers. "Master  
2 bundles" and "master fixes" are records that describe the issue to be addressed and then serve as a  
3 record keeping device and reference for that issue and related activity TomorrowNow undertook  
4 to address that issue. The actual development of customer-specific objects included in customer-  
5 specific fixes and updates was referenced to a "master bundle" or "master fix" record for  
6 identification and record keeping purposes. Thus, if this request seeks an admission related to  
7 each and every object related to each and every customer-specific fix or update that  
8 TomorrowNow developed, then this single request impermissibly seeks literally thousands of  
9 admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects  
10 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG,  
11 SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
12 request, Defendants would have to analyze each individual object in each fix or update contained  
13 within each master bundle. Defendants, therefore, object on the basis that this request is  
14 compound, overly broad and unduly burdensome because it seeks an admission regarding  
15 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
16 numerous employees, (3) took place over several years, and (4) would require Defendants to  
17 review enormous volumes of business records to attempt to determine an answer, if possible, for  
18 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
19 Defendants object to this request on the basis that Defendants' burden associated with responding  
20 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
21 through this request, especially because the available documents, data and other information from  
22 which the answer, if any, could be derived in response to this request have been produced by  
23 Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available  
24 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and  
25 without waiving the foregoing objections and qualifications, Defendants respond as follows:

26 ADMITTED on the following qualified basis: For at least one of the objects associated  
27 with the master bundle records referenced in the first two columns of Exhibit A, after  
28 TomorrowNow applied the object to an existing environment specific to TomorrowNow's retrofit

1 support of specific TomorrowNow customers and the name of that environment was changed to  
2 signify that the object had been applied, that environment would be used in part to help generate  
3 the next scheduled object for TomorrowNow's retrofit support of specific TomorrowNow  
4 customers. To the extent not admitted, this request is DENIED.

5 **REQUEST FOR ADMISSION NO. 564:**

6 Admit that for each Fix or Update listed in the first two columns of Exhibit A, the  
7 documentation delivered to Customers along with such Fix or Update, such as instruction  
8 documents, guide documents, or notes documents, was generated in part by Copying significant  
9 portions of documentation originally published by PeopleSoft.

10 **RESPONSE TO REQUEST FOR ADMISSION NO. 564:**

11 Defendants object to this request on the grounds stated in the General Objections and  
12 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
13 respect to the information sought in this request because Defendants SAP AG and SAP America  
14 have no additional knowledge separate and apart from the information provided by Defendant  
15 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
16 "Fix," "Update," "documentation," "delivered," "such as instruction documents, guide documents,  
17 or notes documents," "generated," "copying," "significant portions," and "originally published by  
18 PeopleSoft" are subject to multiple meanings and, as such, are overly broad, vague, and  
19 ambiguous. Defendants object to the phrase "in party by copying significant portions of  
20 documentation originally published by PeopleSoft" as calling for a legal conclusion. Further,  
21 Exhibit A lists the names of master bundles as that term was used by TomorrowNow in the SAS  
22 database. The master bundles are not the actual objects that are developed for TomorrowNow  
23 customers. Master bundles and master fixes are records that simply identify problems for which  
24 TomorrowNow generally developed objects to resolve. The object development often took place  
25 at the release level, source level, and customer level. If this request is actually asking for  
26 information related to each and every object TomorrowNow developed, this number is more in  
27 line with the 33,185 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for  
28 Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this question,

1 Defendants would have to analyze each individual object in each fix or update contained within  
2 each master bundle. Defendants, therefore, object to this request as compound and unduly  
3 burdensome in that this request seeks information and activities that (1) involved many thousands  
4 of objects, (2) involved numerous employees, (3) took place over several years, and (4) would  
5 require Defendants to review substantial business records to determine an answer, if possible, for  
6 each of the numerous numbers of objects contained within the fixes and updates, and Defendants'  
7 burden in doing so would be substantially similar to the burden for Plaintiffs to do so given that  
8 the available information is at least as equally accessible to Plaintiffs as it is to Defendants.

9 Subject to the General Objections and Responses and these specific objections, after a  
10 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
11 sufficient knowledge and information to either admit or deny these requests, as the information  
12 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
13 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

14 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 564:**

15 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
16 General Objections noted above. Defendants' response is based solely on Defendant  
17 TomorrowNow's knowledge with respect to the information sought in this request because  
18 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
19 information provided by Defendant TomorrowNow in this response. Defendants object to the  
20 request because the terms and phrases "fix," "update," "documentation," "delivered," "such as  
21 instruction documents, guide documents, or notes documents," "generated," "copying,"  
22 "significant portions," and "originally published by PeopleSoft" make this request overly broad  
23 vague and ambiguous. Defendants object to the phrase "in part by copying significant portions of  
24 documentation originally published by PeopleSoft" as calling for a legal conclusion. Further,  
25 Exhibit A lists the names of "master bundles" as that phrase was used by TomorrowNow in the  
26 SAS database. TomorrowNow's "master bundles" are not the actual objects included in fixes or  
27 updates that are developed for TomorrowNow's customers. "Master bundles" and "master fixes"  
28 are records that describe the issue to be addressed and then serve as a record keeping device and

1 reference for that issue and related activity TomorrowNow undertook to address that issue. The  
2 actual development of customer-specific objects included in customer-specific fixes and updates  
3 was referenced to a “master bundle” or “master fix” record for identification and record keeping  
4 purposes. Thus, if this request seeks an admission related to each and every object related to each  
5 and every customer-specific fix or update that TomorrowNow developed, then this single request  
6 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
7 impermissibly seek regarding the 33,185 objects listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third  
8 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
9 intent of this request, then to respond to this request, Defendants would have to analyze each  
10 individual object in each fix or update contained within each master bundle. Defendants,  
11 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
12 because it seeks an admission regarding thousands of separate activities that (1) involved many  
13 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
14 would require Defendants to review enormous volumes of business records to attempt to  
15 determine an answer, if possible, for each of the numerous objects contained within the  
16 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
17 Defendants’ burden associated with responding to this request is substantially similar to the  
18 burden for Plaintiffs to obtain the information sought through this request, especially because the  
19 available documents, data and other information from which the answer, if any, could be derived  
20 in response to this request have been produced by Defendants in response to Plaintiffs’ other  
21 discovery requests and thus any relevant, available information is now as equally accessible to  
22 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
23 qualifications, Defendants respond as follows:

24 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
25 information Defendants currently know or can readily obtain, Defendants have insufficient  
26 information to admit or deny this request.

27 **REQUEST FOR ADMISSION NO. 565:**

28 Admit that for the majority of Fixes or Updates listed in the first two columns of Exhibit

1 A, the documentation delivered to Customers along with such Fix or Update, such as instruction  
2 documents, guide documents, or notes documents, was generated in part by Copying significant  
3 portions of documentation originally published by PeopleSoft.

4 **RESPONSE TO REQUEST FOR ADMISSION NO. 565:**

5 Defendants object to this request on the grounds stated in the General Objections and  
6 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
7 respect to the information sought in this request because Defendants SAP AG and SAP America  
8 have no additional knowledge separate and apart from the information provided by Defendant  
9 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
10 "Fix(es)," "Updates," "majority," "documentation," "delivered," "such as instruction documents,  
11 guide documents, or notes documents," "generated," "copying," "significant portions" and  
12 "originally published by PeopleSoft" are subject to multiple meanings and, as such, are overly  
13 broad, vague, and ambiguous. Defendants object to the phrase "in party by copying significant  
14 portions of documentation originally published by PeopleSoft" as calling for a legal conclusion.  
15 Further, Exhibit A lists the names of master bundles as that term was used by TomorrowNow in  
16 the SAS database. The master bundles are not the actual objects that are developed for  
17 TomorrowNow customers. Master bundles and master fixes are records that simply identify  
18 problems for which TomorrowNow generally developed objects to resolve. The object  
19 development often took place at the release level, source level, and customer level. If this request  
20 is actually asking for information related to each and every object TomorrowNow developed, this  
21 number is more in line with the 33,185 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of  
22 Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this  
23 question, Defendants would have to analyze each individual object in each fix or update  
24 contained within each master bundle. Defendants, therefore, object to this request as compound  
25 and unduly burdensome in that this request seeks information and activities that (1) involved  
26 many thousands of objects, (2) involved numerous employees, (3) took place over several years,  
27 and (4) would require Defendants to review substantial business records to determine an answer,  
28 if possible, for each of the numerous numbers of objects contained within the fixes and updates,



1 and Defendants' burden in doing so would be substantially similar to the burden for Plaintiffs to  
2 do so given that the available information is at least as equally accessible to Plaintiffs as it is to  
3 Defendants.

4 Subject to the General Objections and Responses and these specific objections, after a  
5 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
6 sufficient knowledge and information to either admit or deny these requests, as the information  
7 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
8 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

9 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 565:**

10 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
11 General Objections noted above. Defendants' response is based solely on Defendant  
12 TomorrowNow's knowledge with respect to the information sought in this request because  
13 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
14 information provided by Defendant TomorrowNow in this response. Defendants object to the  
15 request because the terms and phrases "fix," "update," "documentation," "delivered," "such as  
16 instruction documents, guide documents, or notes documents," "generated," "copying,"  
17 "significant portions," and "originally published by PeopleSoft" make this request overly broad  
18 vague and ambiguous. Defendants object to the phrase "in part by copying significant portions of  
19 documentation originally published by PeopleSoft" as calling for a legal conclusion. Further,  
20 Exhibit A lists the names of "master bundles" as that phrase was used by TomorrowNow in the  
21 SAS database. TomorrowNow's "master bundles" are not the actual objects included in fixes or  
22 updates that are developed for TomorrowNow's customers. "Master bundles" and "master fixes"  
23 are records that describe the issue to be addressed and then serve as a record keeping device and  
24 reference for that issue and related activity TomorrowNow undertook to address that issue. The  
25 actual development of customer-specific objects included in customer-specific fixes and updates  
26 was referenced to a "master bundle" or "master fix" record for identification and record keeping  
27 purposes. Thus, if this request seeks an admission related to each and every object related to each  
28 and every customer-specific fix or update that TomorrowNow developed, then this single request

1 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
2 impermissibly seek regarding the 33,185 objects listed in Plaintiffs' Exhibit D to Plaintiffs' Third  
3 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
4 intent of this request, then to respond to this request, Defendants would have to analyze each  
5 individual object in each fix or update contained within each master bundle. Defendants,  
6 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
7 because it seeks an admission regarding thousands of separate activities that (1) involved many  
8 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
9 would require Defendants to review enormous volumes of business records to attempt to  
10 determine an answer, if possible, for each of the numerous objects contained within the  
11 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
12 Defendants' burden associated with responding to this request is substantially similar to the  
13 burden for Plaintiffs to obtain the information sought through this request, especially because the  
14 available documents, data and other information from which the answer, if any, could be derived  
15 in response to this request have been produced by Defendants in response to Plaintiffs' other  
16 discovery requests and thus any relevant, available information is now as equally accessible to  
17 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
18 qualifications, Defendants respond as follows:

19 ADMITTED on the following qualified basis: TomorrowNow reasonably believes that,  
20 for the majority of the objects (meaning at least one object more than half of the total objects)  
21 associated with the master bundle records referenced in the first two columns of Exhibit A, the  
22 documentation that was delivered with an object to a TomorrowNow customer was generated in  
23 part by using certain portions of documentation posted with a PeopleSoft tax update. To the  
24 extent not admitted, this request is DENIED.

25 **REQUEST FOR ADMISSION NO. 566:**

26 Admit that for the some Fixes or Updates listed in the first two columns of Exhibit A, the  
27 documentation delivered to Customers along with such Fix or Update, such as instruction  
28

1 documents, guide documents, or notes documents, was generated in part by Copying significant  
2 portions of documentation originally published by PeopleSoft.

3 **RESPONSE TO REQUEST FOR ADMISSION NO. 566:**

4 Defendants object to this request on the grounds stated in the General Objections and  
5 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
6 respect to the information sought in this request because Defendants SAP AG and SAP America  
7 have no additional knowledge separate and apart from the information provided by Defendant  
8 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
9 "Fix(es)," "Updates," "documentation," "delivered," "such as instruction documents, guide  
10 documents, or notes documents," "generated," "copying," "significant portions," "some," and  
11 "originally published by PeopleSoft" are subject to multiple meanings and, as such, are overly  
12 broad, vague, and ambiguous. Defendants object to the phrase "in party by copying significant  
13 portions of documentation originally published by PeopleSoft" as calling for a legal conclusion.  
14 Further, Exhibit A lists the names of master bundles as that term was used by TomorrowNow in  
15 the SAS database. The master bundles are not the actual objects that are developed for  
16 TomorrowNow customers. Master bundles and master fixes are records that simply identify  
17 problems for which TomorrowNow generally developed objects to resolve. The object  
18 development often took place at the release level, source level, and customer level. If this request  
19 is actually asking for information related to each and every object TomorrowNow developed, this  
20 number is more in line with the 33,185 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of  
21 Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this  
22 question, Defendants would have to analyze each individual object in each fix or update  
23 contained within each master bundle. Defendants, therefore, object to this request as compound  
24 and unduly burdensome in that this request seeks information and activities that (1) involved  
25 many thousands of objects, (2) involved numerous employees, (3) took place over several years,  
26 and (4) would require Defendants to review substantial business records to determine an answer,  
27 if possible, for each of the numerous numbers of objects contained within the fixes and updates,  
28 and Defendants' burden in doing so would be substantially similar to the burden for Plaintiffs to

1 do so given that the available information is at least as equally accessible to Plaintiffs as it is to  
2 Defendants.

3 Subject to the General Objections and Responses and these specific objections, after a  
4 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
5 sufficient knowledge and information to either admit or deny these requests, as the information  
6 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
7 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

8 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 566:**

9 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
10 General Objections noted above. Defendants' response is based solely on Defendant  
11 TomorrowNow's knowledge with respect to the information sought in this request because  
12 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
13 information provided by Defendant TomorrowNow in this response. Defendants object to the  
14 request because the terms and phrases "fix," "update," "documentation," "delivered," "such as  
15 instruction documents, guide documents, or notes documents," "generated," "copying,"  
16 "significant portions," and "originally published by PeopleSoft" make this request overly broad  
17 vague and ambiguous. Defendants object to the phrase "in part by copying significant portions of  
18 documentation originally published by PeopleSoft" as calling for a legal conclusion. Further,  
19 Exhibit A lists the names of "master bundles" as that phrase was used by TomorrowNow in the  
20 SAS database. TomorrowNow's "master bundles" are not the actual objects included in fixes or  
21 updates that are developed for TomorrowNow's customers. "Master bundles" and "master fixes"  
22 are records that describe the issue to be addressed and then serve as a record keeping device and  
23 reference for that issue and related activity TomorrowNow undertook to address that issue. The  
24 actual development of customer-specific objects included in customer-specific fixes and updates  
25 was referenced to a "master bundle" or "master fix" record for identification and record keeping  
26 purposes. Thus, if this request seeks an admission related to each and every object related to each  
27 and every customer-specific fix or update that TomorrowNow developed, then this single request  
28 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs

1 impermissibly seek regarding the 33,185 objects listed in Plaintiffs' Exhibit D to Plaintiffs' Third  
2 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
3 intent of this request, then to respond to this request, Defendants would have to analyze each  
4 individual object in each fix or update contained within each master bundle. Defendants,  
5 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
6 because it seeks an admission regarding thousands of separate activities that (1) involved many  
7 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
8 would require Defendants to review enormous volumes of business records to attempt to  
9 determine an answer, if possible, for each of the numerous objects contained within the  
10 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
11 Defendants' burden associated with responding to this request is substantially similar to the  
12 burden for Plaintiffs to obtain the information sought through this request, especially because the  
13 available documents, data and other information from which the answer, if any, could be derived  
14 in response to this request have been produced by Defendants in response to Plaintiffs' other  
15 discovery requests and thus any relevant, available information is now as equally accessible to  
16 Plaintiffs as it is to Defendants. Further, in providing this response, Defendants are defining  
17 "some" as "more than one" as suggested by Plaintiffs in their August 10, 2009 meet and confer  
18 letter. Subject to and without waiving the foregoing objections and qualifications, Defendants  
19 respond as follows:

20 ADMITTED on the following qualified basis: For some of the objects (meaning more  
21 than one) associated with the master bundle records referenced in the first two columns of Exhibit  
22 A, the documentation that was delivered with an object to a TomorrowNow customer was  
23 generated in part by using certain portions of documentation posted with a PeopleSoft tax update.  
24 To the extent not admitted, this request is DENIED.

25 **REQUEST FOR ADMISSION NO. 567:**

26 Admit that for at least one Fix or Update listed in the first two columns of Exhibit A, the  
27 documentation delivered to Customers along with such Fix or Update, such as instruction  
28 documents, guide documents, or notes documents, was generated in part by Copying significant

1 portions of documentation originally published by PeopleSoft.

2 **RESPONSE TO REQUEST FOR ADMISSION NO. 567:**

3 Defendants object to this request on the grounds stated in the General Objections and  
4 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
5 respect to the information sought in this request because Defendants SAP AG and SAP America  
6 have no additional knowledge separate and apart from the information provided by Defendant  
7 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
8 "Fix," "Update," "documentation," "delivered," "such as instruction documents, guide documents,  
9 or notes documents," "generated," "copying," "significant portions," and "originally published by  
10 PeopleSoft" are subject to multiple meanings and, as such, are overly broad, vague, and  
11 ambiguous. Defendants object to the phrase "in part by copying significant portions of  
12 documentation originally published by PeopleSoft" as calling for a legal conclusion. Further,  
13 Exhibit A lists the names of master bundles as that term was used by TomorrowNow in the SAS  
14 database. The master bundles are not the actual objects that are developed for TomorrowNow  
15 customers. Master bundles and master fixes are records that simply identify problems for which  
16 TomorrowNow generally developed objects to resolve. The object development often took place  
17 at the release level, source level, and customer level. If this request is actually asking for  
18 information related to each and every object TomorrowNow developed, this number is more in  
19 line with the 33,185 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for  
20 Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this question,  
21 Defendants would have to analyze each individual object in each fix or update contained within  
22 each master bundle. Defendants, therefore, object to this request as compound and unduly  
23 burdensome in that this request seeks information and activities that (1) involved many thousands  
24 of objects, (2) involved numerous employees, (3) took place over several years, and (4) would  
25 require Defendants to review substantial business records to determine an answer, if possible, for  
26 each of the numerous numbers of objects contained within the fixes and updates, and Defendants'  
27 burden in doing so would be substantially similar to the burden for Plaintiffs to do so given that  
28 the available information is at least as equally accessible to Plaintiffs as it is to Defendants.

1 Subject to the General Objections and Responses and these specific objections, after a  
2 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
3 sufficient knowledge and information to either admit or deny these requests, as the information  
4 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
5 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

6 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 567:**

7 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
8 General Objections noted above. Defendants' response is based solely on Defendant  
9 TomorrowNow's knowledge with respect to the information sought in this request because  
10 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
11 information provided by Defendant TomorrowNow in this response. Defendants object to the  
12 request because the terms and phrases "fix," "update," "documentation," "delivered," "such as  
13 instruction documents, guide documents, or notes documents," "generated," "copying,"  
14 "significant portions," and "originally published by PeopleSoft" make this request overly broad  
15 vague and ambiguous. Defendants object to the phrase "in part by copying significant portions of  
16 documentation originally published by PeopleSoft" as calling for a legal conclusion. Further,  
17 Exhibit A lists the names of "master bundles" as that phrase was used by TomorrowNow in the  
18 SAS database. TomorrowNow's "master bundles" are not the actual objects included in fixes or  
19 updates that are developed for TomorrowNow's customers. "Master bundles" and "master fixes"  
20 are records that describe the issue to be addressed and then serve as a record keeping device and  
21 reference for that issue and related activity TomorrowNow undertook to address that issue. The  
22 actual development of customer-specific objects included in customer-specific fixes and updates  
23 was referenced to a "master bundle" or "master fix" record for identification and record keeping  
24 purposes. Thus, if this request seeks an admission related to each and every object related to each  
25 and every customer-specific fix or update that TomorrowNow developed, then this single request  
26 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
27 impermissibly seek regarding the 33,185 objects listed in Plaintiffs' Exhibit D to Plaintiffs' Third  
28 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the

1 intent of this request, then to respond to this request, Defendants would have to analyze each  
2 individual object in each fix or update contained within each master bundle. Defendants,  
3 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
4 because it seeks an admission regarding thousands of separate activities that (1) involved many  
5 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
6 would require Defendants to review enormous volumes of business records to attempt to  
7 determine an answer, if possible, for each of the numerous objects contained within the  
8 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
9 Defendants' burden associated with responding to this request is substantially similar to the  
10 burden for Plaintiffs to obtain the information sought through this request, especially because the  
11 available documents, data and other information from which the answer, if any, could be derived  
12 in response to this request have been produced by Defendants in response to Plaintiffs' other  
13 discovery requests and thus any relevant, available information is now as equally accessible to  
14 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
15 qualifications, Defendants respond as follows:

16 ADMITTED on the following qualified basis: For at least one of the objects associated  
17 with the master bundle records referenced in the first two columns of Exhibit A, the  
18 documentation that was delivered with an object to a TomorrowNow customer was generated in  
19 part by using certain portions of documentation posted with a PeopleSoft tax update. To the  
20 extent not admitted, this request is DENIED.

21 **REQUEST FOR ADMISSION NO. 568:**

22 Admit that for each Fix or Update listed in the first two columns of Exhibit A, the  
23 documentation delivered to Customers along with such Fix or Update, such as instruction  
24 documents, guide documents, or notes documents, was generated in part by Copying some  
25 portion of documentation originally published by PeopleSoft.

26 **RESPONSE TO REQUEST FOR ADMISSION NO. 568:**

27 Defendants object to this request on the grounds stated in the General Objections and  
28 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with



1 respect to the information sought in this request because Defendants SAP AG and SAP America  
2 have no additional knowledge separate and apart from the information provided by Defendant  
3 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
4 “Fix,” “Update,” “documentation,” “delivered,” “such as instruction documents, guide documents,  
5 or notes documents,” “generated,” “copying,” “some portion,” and “originally published by  
6 PeopleSoft” are subject to multiple meanings and, as such, are overly broad, vague, and  
7 ambiguous. Defendants object to the phrase “in part by copying some portion of documentation  
8 originally published by PeopleSoft” as calling for a legal conclusion. Further, Exhibit A lists the  
9 names of master bundles as that term was used by TomorrowNow in the SAS database. The  
10 master bundles are not the actual objects that are developed for TomorrowNow customers.  
11 Master bundles and master fixes are records that simply identify problems for which  
12 TomorrowNow generally developed objects to resolve. The object development often took place  
13 at the release level, source level, and customer level. If this request is actually asking for  
14 information related to each and every object TomorrowNow developed, this number is more in  
15 line with the 33,185 listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for  
16 Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this question,  
17 Defendants would have to analyze each individual object in each fix or update contained within  
18 each master bundle. Defendants, therefore, object to this request as compound and unduly  
19 burdensome in that this request seeks information and activities that (1) involved many thousands  
20 of objects, (2) involved numerous employees, (3) took place over several years, and (4) would  
21 require Defendants to review substantial business records to determine an answer, if possible, for  
22 each of the numerous numbers of objects contained within the fixes and updates, and Defendants’  
23 burden in doing so would be substantially similar to the burden for Plaintiffs to do so given that  
24 the available information is at least as equally accessible to Plaintiffs as it is to Defendants.

25 Subject to the General Objections and Responses and these specific objections, after a  
26 reasonable inquiry and based on Defendants’ understanding of these questions, Defendants lack  
27 sufficient knowledge and information to either admit or deny these requests, as the information  
28 sought was not tracked, recorded, or maintained by TomorrowNow in a “readily obtainable

1 manner.” Based on all of the reasons and objections stated above, these requests are DENIED.

2 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 568:**

3 Defendants incorporate by reference, as if fully set forth herein, all of Defendants’  
4 General Objections noted above. Defendants’ response is based solely on Defendant  
5 TomorrowNow’s knowledge with respect to the information sought in this request because  
6 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
7 information provided by Defendant TomorrowNow in this response. Defendants object to the  
8 request because the terms and phrases “fix,” “update,” “documentation,” “delivered,” “such as  
9 instruction documents, guide documents, or notes documents,” “generated,” “copying,” and  
10 “originally published by PeopleSoft” makes this request overly broad vague and ambiguous.  
11 Defendants object to the phrase “in part by copying some portion of documentation originally  
12 published by PeopleSoft” as calling for a legal conclusion. Further, Exhibit A lists the names of  
13 “master bundles” as that phrase was used by TomorrowNow in the SAS database.  
14 TomorrowNow’s “master bundles” are not the actual objects included in fixes or updates that are  
15 developed for TomorrowNow’s customers. “Master bundles” and “master fixes” are records that  
16 describe the issue to be addressed and then serve as a record keeping device and reference for that  
17 issue and related activity TomorrowNow undertook to address that issue. The actual  
18 development of customer-specific objects included in customer-specific fixes and updates was  
19 referenced to a “master bundle” or “master fix” record for identification and record keeping  
20 purposes. Thus, if this request seeks an admission related to each and every object related to each  
21 and every customer-specific fix or update that TomorrowNow developed, then this single request  
22 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
23 impermissibly seek regarding the 33,185 objects listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third  
24 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
25 intent of this request, then to respond to this request, Defendants would have to analyze each  
26 individual object in each fix or update contained within each master bundle. Defendants,  
27 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
28 because it seeks an admission regarding thousands of separate activities that (1) involved many

1 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
2 would require Defendants to review enormous volumes of business records to attempt to  
3 determine an answer, if possible, for each of the numerous objects contained within the  
4 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
5 Defendants' burden associated with responding to this request is substantially similar to the  
6 burden for Plaintiffs to obtain the information sought through this request, especially because the  
7 available documents, data and other information from which the answer, if any, could be derived  
8 in response to this request have been produced by Defendants in response to Plaintiffs' other  
9 discovery requests and thus any relevant, available information is now as equally accessible to  
10 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
11 qualifications, Defendants respond as follows:

12 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
13 information Defendants currently know or can readily obtain, Defendants have insufficient  
14 information to admit or deny this request.

15 **REQUEST FOR ADMISSION NO. 569:**

16 Admit that for the majority of Fixes or Updates listed in the first two columns of Exhibit  
17 A, the documentation delivered to Customers along with such Fix or Update, such as instruction  
18 documents, guide documents, or notes documents, was generated in part by Copying some  
19 portion of documentation originally published by PeopleSoft.

20 **RESPONSE TO REQUEST FOR ADMISSION NO. 569:**

21 Defendants object to this request on the grounds stated in the General Objections and  
22 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
23 respect to the information sought in this request because Defendants SAP AG and SAP America  
24 have no additional knowledge separate and apart from the information provided by Defendant  
25 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
26 "Fix(es)," "Update," "majority," "documentation," "delivered," "such as instruction documents,  
27 guide documents, or notes documents," "generated," "copying," "some portion," and "originally  
28 published by PeopleSoft" are subject to multiple meanings and, as such, are overly broad, vague,

1 and ambiguous. Defendants object to the phrase “in part by copying some portion of  
2 documentation originally published by PeopleSoft” as calling for a legal conclusion. Further,  
3 Exhibit A lists the names of master bundles as that term was used by TomorrowNow in the SAS  
4 database. The master bundles are not the actual objects that are developed for TomorrowNow  
5 customers. Master bundles and master fixes are records that simply identify problems for which  
6 TomorrowNow generally developed objects to resolve. The object development often took place  
7 at the release level, source level, and customer level. If this request is actually asking for  
8 information related to each and every object TomorrowNow developed, this number is more in  
9 line with the 33,185 listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for  
10 Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this question,  
11 Defendants would have to analyze each individual object in each fix or update contained within  
12 each master bundle. Defendants, therefore, object to this request as compound and unduly  
13 burdensome in that this request seeks information and activities that (1) involved many thousands  
14 of objects, (2) involved numerous employees, (3) took place over several years, and (4) would  
15 require Defendants to review substantial business records to determine an answer, if possible, for  
16 each of the numerous numbers of objects contained within the fixes and updates, and Defendants’  
17 burden in doing so would be substantially similar to the burden for Plaintiffs to do so given that  
18 the available information is at least as equally accessible to Plaintiffs as it is to Defendants.

19 Subject to the General Objections and Responses and these specific objections, after a  
20 reasonable inquiry and based on Defendants’ understanding of these questions, Defendants lack  
21 sufficient knowledge and information to either admit or deny these requests, as the information  
22 sought was not tracked, recorded, or maintained by TomorrowNow in a “readily obtainable  
23 manner.” Based on all of the reasons and objections stated above, these requests are DENIED.

24 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 569:**

25 Defendants incorporate by reference, as if fully set forth herein, all of Defendants’  
26 General Objections noted above. Defendants’ response is based solely on Defendant  
27 TomorrowNow’s knowledge with respect to the information sought in this request because  
28 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the

1 information provide object to the request because the terms and phrases “fix,” “update,”  
2 “documentation,” “delivered,” “such as instruction documents, guide documents, or notes  
3 documents,” “generated,” “copying,” and “originally published by PeopleSoft” make this request  
4 overly broad vague and ambiguous. Defendants object to the phrase “in part by copying some  
5 portion of documentation originally published by PeopleSoft” as calling for a legal conclusion.  
6 Further, Exhibit A lists the names of “master bundles” as that phrase was used by TomorrowNow  
7 in the SAS database. TomorrowNow’s “master bundles” are not the actual objects included in  
8 fixes or updates that are developed for TomorrowNow’s customers. “Master bundles” and  
9 “master fixes” are records that describe the issue to be addressed and then serve as a record  
10 keeping device and reference for that issue and related activity TomorrowNow undertook to  
11 address that issue. The actual development of customer-specific objects included in customer-  
12 specific fixes and updates was referenced to a “master bundle” or “master fix” record for  
13 identification and record keeping purposes. Thus, if this request seeks an admission related to  
14 each and every object related to each and every customer-specific fix or update that  
15 TomorrowNow developed, then this single request impermissibly seeks literally thousands of  
16 admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects  
17 listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for Admissions to SAP AG,  
18 SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
19 request, Defendants would have to analyze each individual object in each fix or update contained  
20 within each master bundle. Defendants, therefore, object on the basis that this request is  
21 compound, overly broad and unduly burdensome because it seeks an admission regarding  
22 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
23 numerous employees, (3) took place over several years, and (4) would require Defendants to  
24 review enormous volumes of business records to attempt to determine an answer, if possible, for  
25 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
26 Defendants object to this request on the basis that Defendants’ burden associated with responding  
27 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
28 through this request, especially because the available documents, data and other information from

1 which the answer, if any, could be derived in response to this request have been produced by  
2 Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available  
3 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and  
4 without waiving the foregoing objections and qualifications, Defendants respond as follows:

5 ADMITTED on the following qualified basis: TomorrowNow reasonably believes that,  
6 for the majority of the objects (meaning at least one object more than half of the total objects)  
7 associated with the master bundle records referenced in the first two columns of Exhibit A, the  
8 documentation that was delivered with an object to a TomorrowNow customer was generated in  
9 part by using certain portions of documentation posted with a PeopleSoft tax update. To the  
10 extent not admitted, this request is DENIED.

11 **REQUEST FOR ADMISSION NO. 570:**

12 Admit that for the some Fixes or Updates listed in the first two columns of Exhibit A, the  
13 documentation delivered to Customers along with such Fix or Update, such as instruction  
14 documents, guide documents, or notes documents, was generated in part by Copying some  
15 portion of documentation originally published by PeopleSoft.

16 **RESPONSE TO REQUEST FOR ADMISSION NO. 570:**

17 Defendants object to this request on the grounds stated in the General Objections and  
18 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
19 respect to the information sought in this request because Defendants SAP AG and SAP America  
20 have no additional knowledge separate and apart from the information provided by Defendant  
21 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
22 "Fix(es)," "Updates," "documentation," "delivered," "such as instruction documents, guide  
23 documents, or notes documents," "generated," "copying," "some portion," "some," and  
24 "originally published by PeopleSoft" are subject to multiple meanings and, as such, are overly  
25 broad, vague, and ambiguous. Defendants object to the phrase "in part by copying some portion  
26 of documentation originally published by PeopleSoft" as calling for a legal conclusion. Further,  
27 Exhibit A lists the names of master bundles as that term was used by TomorrowNow in the SAS  
28 database. The master bundles are not the actual objects that are developed for TomorrowNow

1 customers. Master bundles and master fixes are records that simply identify problems for which  
2 TomorrowNow generally developed objects to resolve. The object development often took place  
3 at the release level, source level, and customer level. If this request is actually asking for  
4 information related to each and every object TomorrowNow developed, this number is more in  
5 line with the 33,185 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for  
6 Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this question,  
7 Defendants would have to analyze each individual object in each fix or update contained within  
8 each master bundle. Defendants, therefore, object to this request as compound and unduly  
9 burdensome in that this request seeks information and activities that (1) involved many thousands  
10 of objects, (2) involved numerous employees, (3) took place over several years, and (4) would  
11 require Defendants to review substantial business records to determine an answer, if possible, for  
12 each of the numerous numbers of objects contained within the fixes and updates, and Defendants'  
13 burden in doing so would be substantially similar to the burden for Plaintiffs to do so given that  
14 the available information is at least as equally accessible to Plaintiffs as it is to Defendants.

15 Subject to the General Objections and Responses and these specific objections, after a  
16 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
17 sufficient knowledge and information to either admit or deny these requests, as the information  
18 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
19 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

20 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 570:**

21 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
22 General Objections noted above. Defendants' response is based solely on Defendant  
23 TomorrowNow's knowledge with respect to the information sought in this request because  
24 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
25 information provided by Defendant TomorrowNow in this response. Defendants object to the  
26 request because the terms and phrases "fix," "update," "documentation," "delivered," "such as  
27 instruction documents, guide documents, or notes documents," "generated," "copying," and  
28 "originally published by PeopleSoft" make this request overly broad vague and ambiguous.

1 Defendants object to the phrase “in part by copying some portion of documentation originally  
2 published by PeopleSoft” as calling for a legal conclusion. Further, Exhibit A lists the names of  
3 “master bundles” as that phrase was used by TomorrowNow in the SAS database.  
4 TomorrowNow’s “master bundles” are not the actual objects included in fixes or updates that are  
5 developed for TomorrowNow’s customers. “Master bundles” and “master fixes” are records that  
6 describe the issue to be addressed and then serve as a record keeping device and reference for that  
7 issue and related activity TomorrowNow undertook to address that issue. The actual  
8 development of customer-specific objects included in customer-specific fixes and updates was  
9 referenced to a “master bundle” or “master fix” record for identification and record keeping  
10 purposes. Thus, if this request seeks an admission related to each and every object related to each  
11 and every customer-specific fix or update that TomorrowNow developed, then this single request  
12 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
13 impermissibly seek regarding the 33,185 objects listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third  
14 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
15 intent of this request, then to respond to this request, Defendants would have to analyze each  
16 individual object in each fix or update contained within each master bundle. Defendants,  
17 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
18 because it seeks an admission regarding thousands of separate activities that (1) involved many  
19 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
20 would require Defendants to review enormous volumes of business records to attempt to  
21 determine an answer, if possible, for each of the numerous objects contained within the  
22 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
23 Defendants’ burden associated with responding to this request is substantially similar to the  
24 burden for Plaintiffs to obtain the information sought through this request, especially because the  
25 available documents, data and other information from which the answer, if any, could be derived  
26 in response to this request have been produced by Defendants in response to Plaintiffs’ other  
27 discovery requests and thus any relevant, available information is now as equally accessible to  
28 Plaintiffs as it is to Defendants. Further, in providing this response, Defendants are defining



1 “some” as “more than one” as suggested by Plaintiffs in their August 10, 2009 meet and confer  
2 letter. Subject to and without waiving the foregoing objections and qualifications, Defendants  
3 respond as follows:

4 ADMITTED on the following qualified basis: For some of the objects (meaning more  
5 than one) associated with the master bundle records referenced in the first two columns of Exhibit  
6 A, the documentation that was delivered with an object to a TomorrowNow customer was  
7 generated in part by using certain portions of documentation posted with a PeopleSoft tax update.  
8 To the extent not admitted, this request is DENIED.

9 **REQUEST FOR ADMISSION NO. 571:**

10 Admit that for at least one Fix or Update listed in the first two columns of Exhibit A, the  
11 documentation delivered to Customers along with such Fix or Update, such as instruction  
12 documents, guide documents, or notes documents, was generated in part by Copying some  
13 portion of documentation originally published by PeopleSoft.

14 **RESPONSE TO REQUEST FOR ADMISSION NO. 571:**

15 Defendants object to this request on the grounds stated in the General Objections and  
16 Responses. Defendants’ response is based solely on Defendant TomorrowNow’s knowledge with  
17 respect to the information sought in this request because Defendants SAP AG and SAP America  
18 have no additional knowledge separate and apart from the information provided by Defendant  
19 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
20 “Fix,” “Update,” “documentation,” “delivered,” “such as instruction documents, guide documents,  
21 or notes documents,” “generated,” “copying,” “some portion,” and “originally published by  
22 PeopleSoft” are subject to multiple meanings and, as such, are overly broad, vague, and  
23 ambiguous. Defendants object to the phrase “in party by copying some portion of documentation  
24 originally published by PeopleSoft” as calling for a legal conclusion. Further, Exhibit A lists the  
25 names of master bundles as that term was used by TomorrowNow in the SAS database. The  
26 master bundles are not the actual objects that are developed for TomorrowNow customers.  
27 Master bundles and master fixes are records that simply identify problems for which  
28 TomorrowNow generally developed objects to resolve. The object development often took place

1 at the release level, source level, and customer level. If this request is actually asking for  
2 information related to each and every object TomorrowNow developed, this number is more in  
3 line with the 33,185 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for  
4 Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this question,  
5 Defendants would have to analyze each individual object in each fix or update contained within  
6 each master bundle. Defendants, therefore, object to this request as compound and unduly  
7 burdensome in that this request seeks information and activities that (1) involved many thousands  
8 of objects, (2) involved numerous employees, (3) took place over several years, and (4) would  
9 require Defendants to review substantial business records to determine an answer, if possible, for  
10 each of the numerous numbers of objects contained within the fixes and updates, and Defendants'  
11 burden in doing so would be substantially similar to the burden for Plaintiffs to do so given that  
12 the available information is at least as equally accessible to Plaintiffs as it is to Defendants.

13 Subject to the General Objections and Responses and these specific objections, after a  
14 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
15 sufficient knowledge and information to either admit or deny these requests, as the information  
16 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
17 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

18 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 571:**

19 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
20 General Objections noted above. Defendants' response is based solely on Defendant  
21 TomorrowNow's knowledge with respect to the information sought in this request because  
22 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
23 information provided by Defendant TomorrowNow in this response. Defendants object to the  
24 request because the terms and phrases "fix," "update," "documentation," "delivered," "such as  
25 instruction documents, guide documents, or notes documents," "generated," "copying," and  
26 "originally published by PeopleSoft" make this request overly broad vague and ambiguous.  
27 Defendants object to the phrase "in part by copying some portion of documentation originally  
28 published by PeopleSoft" as calling for a legal conclusion. Further, Exhibit A lists the names of

1 “master bundles” as that phrase was used by TomorrowNow in the SAS database.  
2 TomorrowNow’s “master bundles” are not the actual objects included in fixes or updates that are  
3 developed for TomorrowNow’s customers. “Master bundles” and “master fixes” are records that  
4 describe the issue to be addressed and then serve as a record keeping device and reference for that  
5 issue and related activity TomorrowNow undertook to address that issue. The actual  
6 development of customer-specific objects included in customer-specific fixes and updates was  
7 referenced to a “master bundle” or “master fix” record for identification and record keeping  
8 purposes. Thus, if this request seeks an admission related to each and every object related to each  
9 and every customer-specific fix or update that TomorrowNow developed, then this single request  
10 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
11 impermissibly seek regarding the 33,185 objects listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third  
12 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
13 intent of this request, then to respond to this request, Defendants would have to analyze each  
14 individual object in each fix or update contained within each master bundle. Defendants,  
15 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
16 because it seeks an admission regarding thousands of separate activities that (1) involved many  
17 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
18 would require Defendants to review enormous volumes of business records to attempt to  
19 determine an answer, if possible, for each of the numerous objects contained within the  
20 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
21 Defendants’ burden associated with responding to this request is substantially similar to the  
22 burden for Plaintiffs to obtain the information sought through this request, especially because the  
23 available documents, data and other information from which the answer, if any, could be derived  
24 in response to this request have been produced by Defendants in response to Plaintiffs’ other  
25 discovery requests and thus any relevant, available information is now as equally accessible to  
26 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
27 qualifications, Defendants respond as follows:

28 ADMITTED on the following qualified basis: For at least one of the objects associated

1 with the master bundle records referenced in the first two columns of Exhibit A, the  
2 documentation that was delivered with an object to a TomorrowNow customer was generated in  
3 part by using certain portions of documentation posted with a PeopleSoft tax update. To the  
4 extent not admitted, this request is DENIED.

5 **REQUEST FOR ADMISSION NO. 572:**

6 Admit that each Fix or Update listed in Exhibit B (a list of certain “Master Fixes” from  
7 SAS, produced by Defendants at TN-OR04446719) was Developed in part by using PeopleSoft  
8 application software that TN originally obtained from one or more Customers.

9 **RESPONSE TO REQUEST FOR ADMISSION NO. 572:**

10 Defendants object to this request on the grounds stated in the General Objections and  
11 Responses. Defendants’ response is based solely on Defendant TomorrowNow’s knowledge with  
12 respect to the information sought in this request because Defendants SAP AG and SAP America  
13 have no additional knowledge separate and apart from the information provided by Defendant  
14 TomorrowNow in this response. Defendants object to the request because the terms “Fix,”  
15 “Update,” “developed,” “application software,” and “obtained” are subject to multiple meanings  
16 and, as such, are overly broad, vague, and ambiguous. Further, Exhibit B lists the names of  
17 master fixes as that term was used by TomorrowNow in the SAS database. The master fixes are  
18 not the actual objects that are developed for TomorrowNow customers. Master fixes are records  
19 that simply identify problems for which TomorrowNow generally developed objects to resolve.  
20 The object development often took place at the release level, source level, and customer level. If  
21 this request is actually asking for information related to each and every object TomorrowNow  
22 developed, this number is more in line with the 33,185 listed in Plaintiffs’ Exhibit D to Plaintiffs’  
23 Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To  
24 respond to this question, Defendants would have to analyze each individual object in each fix or  
25 update contained within each master fix. Defendants, therefore, object to this request as  
26 compound and unduly burdensome in that this request seeks information and activities that (1)  
27 involved many thousands of objects, (2) involved numerous employees, (3) took place over  
28 several years, and (4) would require Defendants to review substantial business records to

1 determine an answer, if possible, for each of the numerous numbers of objects contained within  
2 the fixes and updates, and Defendants' burden in doing so would be substantially similar to the  
3 burden for Plaintiffs to do so given that the available information is at least as equally accessible  
4 to Plaintiffs as it is to Defendants.

5 Subject to the General Objections and Responses and these specific objections, after a  
6 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
7 sufficient knowledge and information to either admit or deny these requests, as the information  
8 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
9 manner." On this basis, therefore, these requests are DENIED.

10 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 572:**

11 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
12 General Objections noted above. Defendants' response is based solely on Defendant  
13 TomorrowNow's knowledge with respect to the information sought in this request because  
14 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
15 information provided by Defendant TomorrowNow in this response. Defendants object to the  
16 request because the terms "fix," "update," "application software," and "obtained" are capable of  
17 multiple meanings and thus, make this request overly broad, vague and ambiguous. Further,  
18 Exhibit B lists the names of "master fixes" as that phrase was used by TomorrowNow in the SAS  
19 database. TomorrowNow's "master fixes" are not the actual objects included in fixes or updates  
20 that are developed for TomorrowNow's customers. "Master fixes" and "master bundles" are  
21 records that describe the issue to be addressed and then serve as a record keeping device and  
22 reference for that issue and related activity TomorrowNow undertook to address that issue. The  
23 actual development of customer-specific objects included in customer-specific fixes and updates  
24 was referenced to a "master bundle" or "master fix" record for identification and record keeping  
25 purposes. Thus, if this request seeks an admission related to each and every object related to each  
26 and every customer-specific fix or update that TomorrowNow developed, then this single request  
27 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
28 impermissibly seek regarding the 33,185 objects listed in Plaintiffs' Exhibit D to Plaintiffs' Third

1 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
2 intent of this request, then to respond to this request, Defendants would have to analyze each  
3 individual object in each fix or update contained within each master bundle. Defendants,  
4 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
5 because it seeks an admission regarding thousands of separate activities that (1) involved many  
6 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
7 would require Defendants to review enormous volumes of business records to attempt to  
8 determine an answer, if possible, for each of the numerous objects contained within the  
9 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
10 Defendants' burden associated with responding to this request is substantially similar to the  
11 burden for Plaintiffs to obtain the information sought through this request, especially because the  
12 available documents, data and other information from which the answer, if any, could be derived  
13 in response to this request have been produced by Defendants in response to Plaintiffs' other  
14 discovery requests and thus any relevant, available information is now as equally accessible to  
15 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
16 qualifications, Defendants respond as follows:

17 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
18 information Defendants currently know or can readily obtain, Defendants have insufficient  
19 information to admit or deny this request.

20 **REQUEST FOR ADMISSION NO. 573:**

21 Admit that the majority of Fixes or Updates listed in Exhibit B were Developed in part by  
22 using PeopleSoft application software that TN originally obtained from one or more Customers.

23 **RESPONSE TO REQUEST FOR ADMISSION NO. 573:**

24 Defendants object to this request on the grounds stated in the General Objections and  
25 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
26 respect to the information sought in this request because Defendants SAP AG and SAP America  
27 have no additional knowledge separate and apart from the information provided by Defendant  
28 TomorrowNow in this response. Defendants object to the request because the terms "Fix(es),"

1 “Updates,” “majority,” “developed,” “application software,” and “obtained” are subject to  
2 multiple meanings and, as such, are overly broad, vague, and ambiguous. Further, Exhibit B lists  
3 the names of master fixes as that term was used by TomorrowNow in the SAS database. The  
4 master fixes are not the actual objects that are developed for TomorrowNow customers. Master  
5 fixes are records that simply identify problems for which TomorrowNow generally developed  
6 objects to resolve. The object development often took place at the release level, source level, and  
7 customer level. If this request is actually asking for information related to each and every object  
8 TomorrowNow developed, this number is more in line with the 33,185 listed in Plaintiffs’ Exhibit  
9 D to Plaintiffs’ Third Set of Requests for Admissions to SAP AG, SAP America, and  
10 TomorrowNow. To respond to this question, Defendants would have to analyze each individual  
11 object in each fix or update contained within each master fix. Defendants, therefore, object to this  
12 request as compound and unduly burdensome in that this request seeks information and activities  
13 that (1) involved many thousands of objects, (2) involved numerous employees, (3) took place  
14 over several years, and (4) would require Defendants to review substantial business records to  
15 determine an answer, if possible, for each of the numerous numbers of objects contained within  
16 the fixes and updates, and Defendants’ burden in doing so would be substantially similar to the  
17 burden for Plaintiffs to do so given that the available information is at least as equally accessible  
18 to Plaintiffs as it is to Defendants.

19 Subject to the General Objections and Responses and these specific objections, after a  
20 reasonable inquiry and based on Defendants’ understanding of these questions, Defendants lack  
21 sufficient knowledge and information to either admit or deny these requests, as the information  
22 sought was not tracked, recorded, or maintained by TomorrowNow in a “readily obtainable  
23 manner.” On this basis, therefore, these requests are DENIED.

24 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 573:**

25 Defendants incorporate by reference, as if fully set forth herein, all of Defendants’  
26 General Objections noted above. Defendants’ response is based solely on Defendant  
27 TomorrowNow’s knowledge with respect to the information sought in this request because  
28 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the

1 information provided by Defendant TomorrowNow in this response. Defendants object to the  
2 request because the terms “fix,” “update,” “application software,” and “obtained” are capable of  
3 multiple meanings and thus, make this request overly broad, vague and ambiguous. Further,  
4 Exhibit B lists the names of “master fixes” as that phrase was used by TomorrowNow in the SAS  
5 database. TomorrowNow’s “master fixes” are not the actual objects included in fixes or updates  
6 that are developed for TomorrowNow’s customers. “Master fixes” and “master bundles” are  
7 records that describe the issue to be addressed and then serve as a record keeping device and  
8 reference for that issue and related activity TomorrowNow undertook to address that issue. The  
9 actual development of customer-specific objects included in customer-specific fixes and updates  
10 was referenced to a “master bundle” or “master fix” record for identification and record keeping  
11 purposes. Thus, if this request seeks an admission related to each and every object related to each  
12 and every customer-specific fix or update that TomorrowNow developed, then this single request  
13 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
14 impermissibly seek regarding the 33,185 objects listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third  
15 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
16 intent of this request, then to respond to this request, Defendants would have to analyze each  
17 individual object in each fix or update contained within each master bundle. Defendants,  
18 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
19 because it seeks an admission regarding thousands of separate activities that (1) involved many  
20 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
21 would require Defendants to review enormous volumes of business records to attempt to  
22 determine an answer, if possible, for each of the numerous objects contained within the  
23 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
24 Defendants’ burden associated with responding to this request is substantially similar to the  
25 burden for Plaintiffs to obtain the information sought through this request, especially because the  
26 available documents, data and other information from which the answer, if any, could be derived  
27 in response to this request have been produced by Defendants in response to Plaintiffs’ other  
28 discovery requests and thus any relevant, available information is now as equally accessible to



1 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
2 qualifications, Defendants respond as follows:

3 ADMITTED on the following qualified basis: TomorrowNow reasonably believes that  
4 the majority of the objects (meaning at least one object more than half of the total objects)  
5 associated with the master fix records referenced in Exhibit B were developed in part by using  
6 PeopleSoft related applications that TomorrowNow originally obtained from its customers. To the  
7 extent not admitted, this request is DENIED.

8 **REQUEST FOR ADMISSION NO. 574:**

9 Admit that some Fixes or Updates listed in Exhibit B were Developed in part by using  
10 PeopleSoft application software that TN originally obtained from one or more Customers.

11 **RESPONSE TO REQUEST FOR ADMISSION NO. 574:**

12 Defendants object to this request on the grounds stated in the General Objections and  
13 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
14 respect to the information sought in this request because Defendants SAP AG and SAP America  
15 have no additional knowledge separate and apart from the information provided by Defendant  
16 TomorrowNow in this response. Defendants object to the request because the terms "Fix(es),"  
17 "Updates," "developed," "some," "application software," and "obtained" are subject to multiple  
18 meanings and, as such, are overly broad, vague, and ambiguous. Further, Exhibit B lists the  
19 names of master fixes as that term was used by TomorrowNow in the SAS database. The master  
20 fixes are not the actual objects that are developed for TomorrowNow customers. Master fixes are  
21 records that simply identify problems for which TomorrowNow generally developed objects to  
22 resolve. The object development often took place at the release level, source level, and customer  
23 level. If this request is actually asking for information related to each and every object  
24 TomorrowNow developed, this number is more in line with the 33,185 listed in Plaintiffs' Exhibit  
25 D to Plaintiffs' Third Set of Requests for Admissions to SAP AG, SAP America, and  
26 TomorrowNow. To respond to this question, Defendants would have to analyze each individual  
27 object in each fix or update contained within each master fix. Defendants, therefore, object to this  
28 request as compound and unduly burdensome in that this request seeks information and activities

1 that (1) involved many thousands of objects, (2) involved numerous employees, (3) took place  
2 over several years, and (4) would require Defendants to review substantial business records to  
3 determine an answer, if possible, for each of the numerous numbers of objects contained within  
4 the fixes and updates, and Defendants' burden in doing so would be substantially similar to the  
5 burden for Plaintiffs to do so given that the available information is at least as equally accessible  
6 to Plaintiffs as it is to Defendants.

7 Subject to the General Objections and Responses and these specific objections, after a  
8 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
9 sufficient knowledge and information to either admit or deny these requests, as the information  
10 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
11 manner." On this basis, therefore, these requests are DENIED.

12 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 574:**

13 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
14 General Objections noted above. Defendants' response is based solely on Defendant  
15 TomorrowNow's knowledge with respect to the information sought in this request because  
16 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
17 information provided by Defendant TomorrowNow in this response. Defendants object to the  
18 request because the terms "fix," "update," "application software," and "obtained" are capable of  
19 multiple meanings and thus, make this request overly broad, vague and ambiguous. Further,  
20 Exhibit B lists the names of "master fixes" as that phrase was used by TomorrowNow in the SAS  
21 database. TomorrowNow's "master fixes" are not the actual objects included in fixes or updates  
22 that are developed for TomorrowNow's customers. "Master fixes" and "master bundles" are  
23 records that describe the issue to be addressed and then serve as a record keeping device and  
24 reference for that issue and related activity TomorrowNow undertook to address that issue. The  
25 actual development of customer-specific objects included in customer-specific fixes and updates  
26 was referenced to a "master bundle" or "master fix" record for identification and record keeping  
27 purposes. Thus, if this request seeks an admission related to each and every object related to each  
28 and every customer-specific fix or update that TomorrowNow developed, then this single request

1 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
2 impermissibly seek regarding the 33,185 objects listed in Plaintiffs' Exhibit D to Plaintiffs' Third  
3 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
4 intent of this request, then to respond to this request, Defendants would have to analyze each  
5 individual object in each fix or update contained within each master bundle. Defendants,  
6 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
7 because it seeks an admission regarding thousands of separate activities that (1) involved many  
8 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
9 would require Defendants to review enormous volumes of business records to attempt to  
10 determine an answer, if possible, for each of the numerous objects contained within the  
11 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
12 Defendants' burden associated with responding to this request is substantially similar to the  
13 burden for Plaintiffs to obtain the information sought through this request, especially because the  
14 available documents, data and other information from which the answer, if any, could be derived  
15 in response to this request have been produced by Defendants in response to Plaintiffs' other  
16 discovery requests and thus any relevant, available information is now as equally accessible to  
17 Plaintiffs as it is to Defendants. Further, in providing this response, Defendants are defining  
18 "some" as "more than one" as suggested by Plaintiffs in their August 10, 2009 meet and confer  
19 letter. Subject to and without waiving the foregoing objections and qualifications, Defendants  
20 respond as follows:

21 ADMITTED on the following qualified basis: Some of the objects (meaning more than  
22 one) associated with the master fix records referenced in Exhibit B were developed in part by  
23 using PeopleSoft related applications that TomorrowNow originally obtained from its customers.  
24 To the extent not admitted, this request is DENIED.

25 **REQUEST FOR ADMISSION NO. 575:**

26 Admit that at least one Fix or Update listed in Exhibit B was Developed in part by using  
27 PeopleSoft application software that TN originally obtained from one or more Customers.  
28

**RESPONSE TO REQUEST FOR ADMISSION NO. 575:**

Defendants object to this request on the grounds stated in the General Objections and Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant TomorrowNow in this response. Defendants object to the request because the terms "Fix," "Update," "developed," "application software," and "obtained" are subject to multiple meanings and, as such, are overly broad, vague, and ambiguous. Further, Exhibit B lists the names of master fixes as that term was used by TomorrowNow in the SAS database. The master fixes are not the actual objects that are developed for TomorrowNow customers. Master fixes are records that simply identify problems for which TomorrowNow generally developed objects to resolve. The object development often took place at the release level, source level, and customer level. If this request is actually asking for information related to each and every object TomorrowNow developed, this number is more in line with the 33,185 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this question, Defendants would have to analyze each individual object in each fix or update contained within each master fix. Defendants, therefore, object to this request as compound and unduly burdensome in that this request seeks information and activities that (1) involved many thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4) would require Defendants to review substantial business records to determine an answer, if possible, for each of the numerous numbers of objects contained within the fixes and updates, and Defendants' burden in doing so would be substantially similar to the burden for Plaintiffs to do so given that the available information is at least as equally accessible to Plaintiffs as it is to Defendants.

Defendants lack sufficient knowledge and information to either admit or deny these requests as the information sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable manner." On this basis, therefore, these requests are DENIED. However, Defendant TomorrowNow ADMITS that at least one object developed, under the master fix

1 record, was developed in part by using part of a PeopleSoft application that TN originally  
2 obtained from one or more of TomorrowNow's Customers. To the extent that the request is not  
3 admitted, it is DENIED.

4 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 575:**

5 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
6 General Objections noted above. Defendants' response is based solely on Defendant  
7 TomorrowNow's knowledge with respect to the information sought in this request because  
8 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
9 information provided by Defendant TomorrowNow in this response. Defendants object to the  
10 request because the terms "fix," "update," "application software," and "obtained" are capable of  
11 multiple meanings and thus, make this request overly broad, vague and ambiguous. Further,  
12 Exhibit B lists the names of "master fixes" as that phrase was used by TomorrowNow in the SAS  
13 database. TomorrowNow's "master fixes" are not the actual objects included in fixes or updates  
14 that are developed for TomorrowNow's customers. "Master fixes" and "master bundles" are  
15 records that describe the issue to be addressed and then serve as a record keeping device and  
16 reference for that issue and related activity TomorrowNow undertook to address that issue. The  
17 actual development of customer-specific objects included in customer-specific fixes and updates  
18 was referenced to a "master bundle" or "master fix" record for identification and record keeping  
19 purposes. Thus, if this request seeks an admission related to each and every object related to each  
20 and every customer-specific fix or update that TomorrowNow developed, then this single request  
21 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
22 impermissibly seek regarding the 33,185 objects listed in Plaintiffs' Exhibit D to Plaintiffs' Third  
23 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
24 intent of this request, then to respond to this request, Defendants would have to analyze each  
25 individual object in each fix or update contained within each master bundle. Defendants,  
26 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
27 because it seeks an admission regarding thousands of separate activities that (1) involved many  
28 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)

1 would require Defendants to review enormous volumes of business records to attempt to  
2 determine an answer, if possible, for each of the numerous objects contained within the  
3 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
4 Defendants' burden associated with responding to this request is substantially similar to the  
5 burden for Plaintiffs to obtain the information sought through this request, especially because the  
6 available documents, data and other information from which the answer, if any, could be derived  
7 in response to this request have been produced by Defendants in response to Plaintiffs' other  
8 discovery requests and thus any relevant, available information is now as equally accessible to  
9 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
10 qualifications, Defendants respond as follows:

11 ADMITTED on the following qualified basis: At least one of the objects (meaning more  
12 than one) associated with the master fix records referenced in Exhibit B was developed in part by  
13 using PeopleSoft related applications that TomorrowNow originally obtained from a customer.  
14 To the extent not admitted, this request is DENIED.

15 **REQUEST FOR ADMISSION NO. 576:**

16 Admit that for each Fix or Update listed in Exhibit B, TN identified some set of  
17 Customers to whom it would deliver the Fix or Update and determined whether one Fix or  
18 Update could be Developed for all such Customers on the release, or whether TN needed to split  
19 the Customers on that release into sub-groups (sometimes referred to at TN as "source groups").

20 **RESPONSE TO REQUEST FOR ADMISSION NO. 576:**

21 Defendants object to this request on the grounds stated in the General Objections and  
22 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
23 respect to the information sought in this request because Defendants SAP AG and SAP America  
24 have no additional knowledge separate and apart from the information provided by Defendant  
25 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
26 "Fix," "Update," "deliver," "developed," and "source groups" are subject to multiple meanings  
27 and, as such, are overly broad, vague, and ambiguous. Defendants further object that the phrases  
28 "determined whether one Fix or Update could be developed for all such customers on the release"

1 and “whether TN needed to split the customers on that release into sub-groups” are subject to  
2 multiple meanings and, as such, are vague and ambiguous. Further, Exhibit B lists the names of  
3 master fixes as that term was used by TomorrowNow in the SAS database. The master fixes are  
4 not the actual objects that are developed for TomorrowNow customers. Master fixes are records  
5 that simply identify problems for which TomorrowNow generally developed objects to resolve.  
6 The object development often took place at the release level, source level, and customer level. If  
7 this request is actually asking for information related to each and every object TomorrowNow  
8 developed, this number is more in line with the 33,185 listed in Plaintiffs’ Exhibit D to Plaintiffs’  
9 Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To  
10 respond to this question, Defendants would have to analyze each individual object in each fix or  
11 update contained within each master fix. Defendants, therefore, object to this request as  
12 compound and unduly burdensome in that this request seeks information and activities that (1)  
13 involved many thousands of objects, (2) involved numerous employees, (3) took place over  
14 several years, and (4) would require Defendants to review substantial business records to  
15 determine an answer, if possible, for each of the numerous numbers of objects contained within  
16 the fixes and updates, and Defendants’ burden in doing so would be substantially similar to the  
17 burden for Plaintiffs to do so given that the available information is at least as equally accessible  
18 to Plaintiffs as it is to Defendants.

19 Subject to the General Objections and Responses and these specific objections, after a  
20 reasonable inquiry and based on Defendants’ understanding of these questions, Defendants lack  
21 sufficient knowledge and information to either admit or deny these requests, as the information  
22 sought was not tracked, recorded, or maintained by TomorrowNow in a “readily obtainable  
23 manner.” Based on all of the reasons and objections stated above, these requests are DENIED.

24 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 576:**

25 Defendants incorporate by reference, as if fully set forth herein, all of Defendants’  
26 General Objections noted above. Defendants’ response is based solely on Defendant  
27 TomorrowNow’s knowledge with respect to the information sought in this request because  
28 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the

1 information provided by Defendant TomorrowNow in this response. Defendants object to the  
2 request because the terms “fix,” “update,” and “source groups” are capable of multiple meanings  
3 and thus, make this request overly broad, vague and ambiguous. Defendants further object that  
4 the phrases “determined whether one Fix or Update could be developed for all such customers on  
5 the release” and “whether TN needed to split the customers on that release into sub-groups” are  
6 subject to multiple meanings and, as such, are overly broad, vague and ambiguous. Further,  
7 Exhibit B lists the names of “master fixes” as that phrase was used by TomorrowNow in the SAS  
8 database. TomorrowNow’s “master fixes” are not the actual objects included in fixes or updates  
9 that are developed for TomorrowNow’s customers. “Master fixes” and “master bundles” are  
10 records that describe the issue to be addressed and then serve as a record keeping device and  
11 reference for that issue and related activity TomorrowNow undertook to address that issue. The  
12 actual development of customer-specific objects included in customer-specific fixes and updates  
13 was referenced to a “master bundle” or “master fix” record for identification and record keeping  
14 purposes. Thus, if this request seeks an admission related to each and every object related to each  
15 and every customer-specific fix or update that TomorrowNow developed, then this single request  
16 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
17 impermissibly seek regarding the 33,185 objects listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third  
18 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
19 intent of this request, then to respond to this request, Defendants would have to analyze each  
20 individual object in each fix or update contained within each master bundle. Defendants,  
21 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
22 because it seeks an admission regarding thousands of separate activities that (1) involved many  
23 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
24 would require Defendants to review enormous volumes of business records to attempt to  
25 determine an answer, if possible, for each of the numerous objects contained within the  
26 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
27 Defendants’ burden associated with responding to this request is substantially similar to the  
28 burden for Plaintiffs to obtain the information sought through this request, especially because the



1 available documents, data and other information from which the answer, if any, could be derived  
2 in response to this request have been produced by Defendants in response to Plaintiffs' other  
3 discovery requests and thus any relevant, available information is now as equally accessible to  
4 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
5 qualifications, Defendants respond as follows:

6 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
7 information Defendants currently know or can readily obtain, Defendants have insufficient  
8 information to admit or deny this request.

9 **REQUEST FOR ADMISSION NO. 577:**

10 Admit that for the majority of Fixes or Updates listed in Exhibit B, TN identified some set  
11 of Customers to whom it would deliver the Fix or Update and determined whether one Fix or  
12 Update could be Developed for all such Customers on the release, or whether TN needed to split  
13 the Customers on that release into sub-groups (sometimes referred to at TN as "source groups").

14 **RESPONSE TO REQUEST FOR ADMISSION NO. 577:**

15 Defendants object to this request on the grounds stated in the General Objections and  
16 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
17 respect to the information sought in this request because Defendants SAP AG and SAP America  
18 have no additional knowledge separate and apart from the information provided by Defendant  
19 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
20 "Fix(es)," "Updates," "majority," "deliver," "developed," and "source groups" are subject to  
21 multiple meanings and, as such, are overly broad, vague, and ambiguous. Defendants further  
22 object that the phrases "determined whether one Fix or Update could be developed for all such  
23 customers on the release" and "whether TN needed to split the customers on that release into sub-  
24 groups" are subject to multiple meanings and, as such, are vague and ambiguous. Further,  
25 Exhibit B lists the names of master fixes as that term was used by TomorrowNow in the SAS  
26 database. The master fixes are not the actual objects that are developed for TomorrowNow  
27 customers. Master fixes are records that simply identify problems for which TomorrowNow  
28 generally developed objects to resolve. The object development often took place at the release

1 level, source level, and customer level. If this request is actually asking for information related to  
2 each and every object TomorrowNow developed, this number is more in line with the 33,185  
3 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG,  
4 SAP America, and TomorrowNow. To respond to this question, Defendants would have to  
5 analyze each individual object in each fix or update contained within each master fix. Defendants,  
6 therefore, object to this request as compound and unduly burdensome in that this request seeks  
7 information and activities that (1) involved many thousands of objects, (2) involved numerous  
8 employees, (3) took place over several years, and (4) would require Defendants to review  
9 substantial business records to determine an answer, if possible, for each of the numerous  
10 numbers of objects contained within the fixes and updates, and Defendants' burden in doing so  
11 would be substantially similar to the burden for Plaintiffs to do so given that the available  
12 information is at least as equally accessible to Plaintiffs as it is to Defendants.

13 Subject to the General Objections and Responses and these specific objections, after a  
14 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
15 sufficient knowledge and information to either admit or deny these requests, as the information  
16 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
17 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

18 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 577:**

19 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
20 General Objections noted above. Defendants' response is based solely on Defendant  
21 TomorrowNow's knowledge with respect to the information sought in this request because  
22 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
23 information provided by Defendant TomorrowNow in this response. Defendants object to the  
24 request because the terms "fix," "update," and "source groups" are capable of multiple meanings  
25 and thus, make this request overly broad, vague and ambiguous. Defendants further object that  
26 the phrases "determined whether one Fix or Update could be developed for all such customers on  
27 the release" and "whether TN needed to split the customers on that release into sub-groups" are  
28 subject to multiple meanings and, as such, are vague and ambiguous. Further, Exhibit B lists the

1 names of “master fixes” as that phrase was used by TomorrowNow in the SAS database.  
2 TomorrowNow’s “master fixes” are not the actual objects included in fixes or updates that are  
3 developed for TomorrowNow’s customers. “Master fixes” and “master bundles” are records that  
4 describe the issue to be addressed and then serve as a record keeping device and reference for that  
5 issue and related activity TomorrowNow undertook to address that issue. The actual  
6 development of customer-specific objects included in customer-specific fixes and updates was  
7 referenced to a “master bundle” or “master fix” record for identification and record keeping  
8 purposes. Thus, if this request seeks an admission related to each and every object related to each  
9 and every customer-specific fix or update that TomorrowNow developed, then this single request  
10 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
11 impermissibly seek regarding the 33,185 objects listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third  
12 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
13 intent of this request, then to respond to this request, Defendants would have to analyze each  
14 individual object in each fix or update contained within each master bundle. Defendants,  
15 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
16 because it seeks an admission regarding thousands of separate activities that (1) involved many  
17 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
18 would require Defendants to review enormous volumes of business records to attempt to  
19 determine an answer, if possible, for each of the numerous objects contained within the  
20 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
21 Defendants’ burden associated with responding to this request is substantially similar to the  
22 burden for Plaintiffs to obtain the information sought through this request, especially because the  
23 available documents, data and other information from which the answer, if any, could be derived  
24 in response to this request have been produced by Defendants in response to Plaintiffs’ other  
25 discovery requests and thus any relevant, available information is now as equally accessible to  
26 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
27 qualifications, Defendants respond as follows:

28 ADMITTED on the following qualified basis: TomorrowNow reasonably believes that,

1 for the majority of the objects (meaning at least one object more than half of the total objects)  
2 associated with the master fix records referenced in Exhibit B, TomorrowNow employees  
3 identified a set of TomorrowNow customers that needed the object and TomorrowNow  
4 employees determined if the object could either be developed at the release level for a specific  
5 group of customers within a release level or on a customer-by-customer basis. To the extent not  
6 admitted, this request is DENIED.

7 **REQUEST FOR ADMISSION NO. 578:**

8 Admit that for some of the Fixes or Updates listed in Exhibit B, TN identified some set of  
9 Customers to whom it would deliver the Fix or Update and determined whether one Fix or  
10 Update could be Developed for all such Customers on the release, or whether TN needed to split  
11 the Customers on that release into sub-groups (sometimes referred to at TN as “source groups”).

12 **RESPONSE TO REQUEST FOR ADMISSION NO. 578:**

13 Defendants object to this request on the grounds stated in the General Objections and  
14 Responses. Defendants’ response is based solely on Defendant TomorrowNow’s knowledge with  
15 respect to the information sought in this request because Defendants SAP AG and SAP America  
16 have no additional knowledge separate and apart from the information provided by Defendant  
17 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
18 “Fixes,” “Updates,” “deliver,” “developed,” “some,” and “source groups” are subject to multiple  
19 meanings and, as such, are overly broad, vague, and ambiguous. Defendants further object that  
20 the phrases “determined whether one Fix or Update could be developed for all such customers on  
21 the release” and “whether TN needed to split the customers on that release into sub-groups” are  
22 subject to multiple meanings and, as such, are vague and ambiguous. Further, Exhibit B lists the  
23 names of master fixes as that term was used by TomorrowNow in the SAS database. The master  
24 fixes are not the actual objects that are developed for TomorrowNow customers. Master fixes are  
25 records that simply identify problems for which TomorrowNow generally developed objects to  
26 resolve. The object development often took place at the release level, source level, and customer  
27 level. If this request is actually asking for information related to each and every object  
28 TomorrowNow developed, this number is more in line with the 33,185 listed in Plaintiffs’ Exhibit

1 D to Plaintiffs' Third Set of Requests for Admissions to SAP AG, SAP America, and  
2 TomorrowNow. To respond to this question, Defendants would have to analyze each individual  
3 object in each fix or update contained within each master fix. Defendants, therefore, object to this  
4 request as compound and unduly burdensome in that this request seeks information and activities  
5 that (1) involved many thousands of objects, (2) involved numerous employees, (3) took place  
6 over several years, and (4) would require Defendants to review substantial business records to  
7 determine an answer, if possible, for each of the numerous numbers of objects contained within  
8 the fixes and updates, and Defendants' burden in doing so would be substantially similar to the  
9 burden for Plaintiffs to do so given that the available information is at least as equally accessible  
10 to Plaintiffs as it is to Defendants.

11 Subject to the General Objections and Responses and these specific objections, after a  
12 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
13 sufficient knowledge and information to either admit or deny these requests, as the information  
14 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
15 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

16 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 578:**

17 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
18 General Objections noted above. Defendants' response is based solely on Defendant  
19 TomorrowNow's knowledge with respect to the information sought in this request because  
20 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
21 information provided by Defendant TomorrowNow in this response. Defendants object to the  
22 request because the terms "fix," "update," and "source groups" are capable of multiple meanings  
23 and thus, make this request overly broad, vague and ambiguous. Defendants further object that  
24 the phrases "determined whether one Fix or Update could be developed for all such customers on  
25 the release" and "whether TN needed to split the customers on that release into sub-groups" are  
26 subject to multiple meanings and, as such, are vague and ambiguous. Further, Exhibit B lists the  
27 names of "master fixes" as that phrase was used by TomorrowNow in the SAS database.  
28 TomorrowNow's "master fixes" are not the actual objects included in fixes or updates that are

1 developed for TomorrowNow's customers. "Master fixes" and "master bundles" are records that  
2 describe the issue to be addressed and then serve as a record keeping device and reference for that  
3 issue and related activity TomorrowNow undertook to address that issue. The actual  
4 development of customer-specific objects included in customer-specific fixes and updates was  
5 referenced to a "master bundle" or "master fix" record for identification and record keeping  
6 purposes. Thus, if this request seeks an admission related to each and every object related to each  
7 and every customer-specific fix or update that TomorrowNow developed, then this single request  
8 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
9 impermissibly seek regarding the 33,185 objects listed in Plaintiffs' Exhibit D to Plaintiffs' Third  
10 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
11 intent of this request, then to respond to this request, Defendants would have to analyze each  
12 individual object in each fix or update contained within each master bundle. Defendants,  
13 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
14 because it seeks an admission regarding thousands of separate activities that (1) involved many  
15 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
16 would require Defendants to review enormous volumes of business records to attempt to  
17 determine an answer, if possible, for each of the numerous objects contained within the  
18 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
19 Defendants' burden associated with responding to this request is substantially similar to the  
20 burden for Plaintiffs to obtain the information sought through this request, especially because the  
21 available documents, data and other information from which the answer, if any, could be derived  
22 in response to this request have been produced by Defendants in response to Plaintiffs' other  
23 discovery requests and thus any relevant, available information is now as equally accessible to  
24 Plaintiffs as it is to Defendants. Further, in providing this response, Defendants are defining  
25 "some" as "more than one" as suggested by Plaintiffs in their August 10, 2009 meet and confer  
26 letter. Subject to and without waiving the foregoing objections and qualifications, Defendants  
27 respond as follows:

28 ADMITTED on the following qualified basis: TomorrowNow reasonably believes that,

1 for some of the objects (meaning more than one) associated with the master fix records referenced  
2 in Exhibit B, TomorrowNow employees identified a set of TomorrowNow customers that needed  
3 the object and TomorrowNow employees determined if the object could either be developed at  
4 the release level for a specific group of customers within a release level or on a customer-by-  
5 customer basis. To the extent not admitted, this request is DENIED.

6 **REQUEST FOR ADMISSION NO. 579:**

7 Admit that for at least one Fix or Update listed in Exhibit B, TN identified some set of  
8 Customers to whom it would deliver the Fix or Update and determined whether one Fix or  
9 Update could be Developed for all such Customers on the release, or whether TN needed to split  
10 the Customers on that release into sub-groups (sometimes referred to at TN as “source groups”).

11 **RESPONSE TO REQUEST FOR ADMISSION NO. 579:**

12 Defendants object to this request on the grounds stated in the General Objections and  
13 Responses. Defendants’ response is based solely on Defendant TomorrowNow’s knowledge with  
14 respect to the information sought in this request because Defendants SAP AG and SAP America  
15 have no additional knowledge separate and apart from the information provided by Defendant  
16 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
17 “Fix,” “Update,” “deliver,” “developed,” and “source groups” are subject to multiple meanings  
18 and, as such, are overly broad, vague, and ambiguous. Defendants further object that the phrases  
19 “determined whether one Fix or Update could be developed for all such customers on the release”  
20 and “whether TN needed to split the customers on that release into sub-groups” are subject to  
21 multiple meanings and, as such, are vague and ambiguous. Further, Exhibit B lists the names of  
22 master fixes as that term was used by TomorrowNow in the SAS database. The master fixes are  
23 not the actual objects that are developed for TomorrowNow customers. Master fixes are records  
24 that simply identify problems for which TomorrowNow generally developed objects to resolve.  
25 The object development often took place at the release level, source level, and customer level. If  
26 this request is actually asking for information related to each and every object TomorrowNow  
27 developed, this number is more in line with the 33,185 listed in Plaintiffs’ Exhibit D to Plaintiffs’  
28 Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To

1 respond to this question, Defendants would have to analyze each individual object in each fix or  
2 update contained within each master fix. Defendants, therefore, object to this request as  
3 compound and unduly burdensome in that this request seeks information and activities that (1)  
4 involved many thousands of objects, (2) involved numerous employees, (3) took place over  
5 several years, and (4) would require Defendants to review substantial business records to  
6 determine an answer, if possible, for each of the numerous numbers of objects contained within  
7 the fixes and updates, and Defendants' burden in doing so would be substantially similar to the  
8 burden for Plaintiffs to do so given that the available information is at least as equally accessible  
9 to Plaintiffs as it is to Defendants.

10 Subject to the General Objections and Responses and these specific objections, after a  
11 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
12 sufficient knowledge and information to either admit or deny these requests, as the information  
13 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
14 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

15 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 579:**

16 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
17 General Objections noted above. Defendants' response is based solely on Defendant  
18 TomorrowNow's knowledge with respect to the information sought in this request because  
19 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
20 information provided by Defendant TomorrowNow in this response. Defendants object to the  
21 request because the terms "fix," "update," and "source groups" are capable of multiple meanings  
22 and thus, make this request overly broad, vague and ambiguous. Defendants further object that  
23 the phrases "determined whether one Fix or Update could be developed for all such customers on  
24 the release" and "whether TN needed to split the customers on that release into sub-groups" are  
25 subject to multiple meanings and, as such, are vague and ambiguous. Further, Exhibit B lists the  
26 names of "master fixes" as that phrase was used by TomorrowNow in the SAS database.  
27 TomorrowNow's "master fixes" are not the actual objects included in fixes or updates that are  
28 developed for TomorrowNow's customers. "Master fixes" and "master bundles" are records that



1 describe the issue to be addressed and then serve as a record keeping device and reference for that  
2 issue and related activity TomorrowNow undertook to address that issue. The actual  
3 development of customer-specific objects included in customer-specific fixes and updates was  
4 referenced to a “master bundle” or “master fix” record for identification and record keeping  
5 purposes. Thus, if this request seeks an admission related to each and every object related to each  
6 and every customer-specific fix or update that TomorrowNow developed, then this single request  
7 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
8 impermissibly seek regarding the 33,185 objects listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third  
9 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
10 intent of this request, then to respond to this request, Defendants would have to analyze each  
11 individual object in each fix or update contained within each master bundle. Defendants,  
12 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
13 because it seeks an admission regarding thousands of separate activities that (1) involved many  
14 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
15 would require Defendants to review enormous volumes of business records to attempt to  
16 determine an answer, if possible, for each of the numerous objects contained within the  
17 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
18 Defendants’ burden associated with responding to this request is substantially similar to the  
19 burden for Plaintiffs to obtain the information sought through this request, especially because the  
20 available documents, data and other information from which the answer, if any, could be derived  
21 in response to this request have been produced by Defendants in response to Plaintiffs’ other  
22 discovery requests and thus any relevant, available information is now as equally accessible to  
23 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
24 qualifications, Defendants respond as follows:

25 ADMITTED on the following qualified basis: For at least one of the objects associated  
26 with the master fix records referenced in Exhibit B, TomorrowNow employees identified a set of  
27 TomorrowNow customers that needed the object and TomorrowNow employees determined if the  
28 object could either be developed at the release level for a specific group of customers within a

1 release level or on a customer-by-customer basis. To the extent not admitted, this request is  
2 DENIED.

3 **REQUEST FOR ADMISSION NO. 580:**

4 Admit that TN's process for determining its "source groups" (as the term is used in  
5 Requests Nos. 576-579) always involved in part doing a visual comparison of the Customer Local  
6 Environments in the group to identify relevant differences in the codeline.

7 **RESPONSE TO REQUEST FOR ADMISSION NO. 580:**

8 Defendants object to this request on the grounds stated in the General Objections and  
9 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
10 respect to the information sought in this request because Defendants SAP AG and SAP America  
11 have no additional knowledge separate and apart from the information provided by Defendant  
12 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
13 "process," "source groups," "visual comparison," "local environment," "relevant differences,"  
14 and "codeline" are subject to multiple meanings and, as such, are overly broad, vague, and  
15 ambiguous. Further, as noted above, Request Nos. 576-579 refer to Exhibit B which lists the  
16 names of master fixes as that term was used by TomorrowNow in the SAS database. The master  
17 fixes are not the actual objects that are developed for TomorrowNow customers. Master fixes are  
18 records that simply identify problems for which TomorrowNow generally developed objects to  
19 resolve. The object development often took place at the release level, source level, and customer  
20 level. If this request is actually asking for information related to the process with regard to each  
21 and every object TomorrowNow developed, this number is more in line with the 33,185 listed in  
22 Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG, SAP  
23 America, and TomorrowNow. To respond to this question, Defendants would have to analyze  
24 each individual object in each fix or update contained within each master fix. Defendants,  
25 therefore, object to this request as compound and unduly burdensome in that this request seeks  
26 information and activities that (1) involved many thousands of objects, (2) involved numerous  
27 employees, (3) took place over several years, and (4) would require Defendants to review  
28 substantial business records to determine an answer, if possible, for each of the numerous

1 numbers of objects contained within the fixes and updates, and Defendants' burden in doing so  
2 would be substantially similar to the burden for Plaintiffs to do so given that the available  
3 information is at least as equally accessible to Plaintiffs as it is to Defendants.

4 Subject to the General Objections and Responses and these specific objections, after a  
5 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
6 sufficient knowledge and information to either admit or deny these requests, as the information  
7 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
8 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

9 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 580:**

10 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
11 General Objections noted above. Defendants' response is based solely on Defendant  
12 TomorrowNow's knowledge with respect to the information sought in this request because  
13 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
14 information provided by Defendant TomorrowNow in this response. Defendants object to the  
15 request because the terms "process," "source groups," "visual comparison," "local environment,"  
16 "relevant differences," and "codeline" are capable of multiple meanings and thus, make this  
17 request overly broad, vague and ambiguous. Further, as noted above, Request Nos. 576-579  
18 incorporate references to Exhibit B which lists the names of "master fixes" as that phrase was  
19 used by TomorrowNow in the SAS database. TomorrowNow's "master fixes" are not the actual  
20 objects included in fixes or updates that are developed for TomorrowNow's customers. "Master  
21 fixes" and "master bundles" are records that describe the issue to be addressed and then serve as a  
22 record keeping device and reference for that issue and related activity TomorrowNow undertook  
23 to address that issue. The actual development of customer-specific objects included in customer-  
24 specific fixes and updates was referenced to a "master bundle" or "master fix" record for  
25 identification and record keeping purposes. Thus, if this request seeks an admission related to  
26 each and every object related to each and every customer-specific fix or update that  
27 TomorrowNow developed, then this single request impermissibly seeks literally thousands of  
28 admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects

1 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG,  
2 SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
3 request, Defendants would have to analyze each individual object in each fix or update contained  
4 within each master bundle. Defendants, therefore, object on the basis that this request is  
5 compound, overly broad and unduly burdensome because it seeks an admission regarding  
6 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
7 numerous employees, (3) took place over several years, and (4) would require Defendants to  
8 review enormous volumes of business records to attempt to determine an answer, if possible, for  
9 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
10 Defendants object to this request on the basis that Defendants' burden associated with responding  
11 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
12 through this request, especially because the available documents, data and other information from  
13 which the answer, if any, could be derived in response to this request have been produced by  
14 Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available  
15 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and  
16 without waiving the foregoing objections and qualifications, Defendants respond as follows:

17 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
18 information Defendants currently know or can readily obtain, Defendants have insufficient  
19 information to admit or deny this request.

20 **REQUEST FOR ADMISSION NO. 581:**

21 Admit that TN's process for determining its "source groups" (as the term is used in  
22 Requests Nos. 576-579) usually involved in part doing a visual comparison of the Customer  
23 Local Environments in the group to identify relevant differences in the codeline.

24 **RESPONSE TO REQUEST FOR ADMISSION NO. 581:**

25 Defendants object to this request on the grounds stated in the General Objections and  
26 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
27 respect to the information sought in this request because Defendants SAP AG and SAP America  
28 have no additional knowledge separate and apart from the information provided by Defendant

1 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
2 “process,” “source groups,” “visual comparison,” “local environment,” “relevant differences,”  
3 “usually,” and “codeline” are subject to multiple meanings and, as such, are overly broad, vague,  
4 and ambiguous. Further, as noted above, Request Nos. 576-579 refer to Exhibit B which lists the  
5 names of master fixes as that term was used by TomorrowNow in the SAS database. The master  
6 fixes are not the actual objects that are developed for TomorrowNow customers. Master fixes are  
7 records that simply identify problems for which TomorrowNow generally developed objects to  
8 resolve. The object development often took place at the release level, source level, and customer  
9 level. If this request is actually asking for information related to the process with regard to each  
10 and every object TomorrowNow developed, this number is more in line with the 33,185 listed in  
11 Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for Admissions to SAP AG, SAP  
12 America, and TomorrowNow. To respond to this question, Defendants would have to analyze  
13 each individual object in each fix or update contained within each master fix. Defendants,  
14 therefore, object to this request as compound and unduly burdensome in that this request seeks  
15 information and activities that (1) involved many thousands of objects, (2) involved numerous  
16 employees, (3) took place over several years, and (4) would require Defendants to review  
17 substantial business records to determine an answer, if possible, for each of the numerous  
18 numbers of objects contained within the fixes and updates, and Defendants’ burden in doing so  
19 would be substantially similar to the burden for Plaintiffs to do so given that the available  
20 information is at least as equally accessible to Plaintiffs as it is to Defendants.

21 Subject to the General Objections and Responses and these specific objections, after a  
22 reasonable inquiry and based on Defendants’ understanding of these questions, Defendants lack  
23 sufficient knowledge and information to either admit or deny these requests, as the information  
24 sought was not tracked, recorded, or maintained by TomorrowNow in a “readily obtainable  
25 manner.” Based on all of the reasons and objections stated above, these requests are DENIED.

26 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 581:**

27 Defendants incorporate by reference, as if fully set forth herein, all of Defendants’  
28 General Objections noted above. Defendants’ response is based solely on Defendant

1 TomorrowNow's knowledge with respect to the information sought in this request because  
2 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
3 information provided by Defendant TomorrowNow in this response. Defendants object to the  
4 request because the terms "process," "source groups," "visual comparison," "local environment,"  
5 "relevant differences," "usually" and "codeline" are capable of multiple meanings and thus, make  
6 this request overly broad, vague and ambiguous. Further, as noted above, Request Nos. 576-579  
7 incorporate references to Exhibit B which lists the names of "master fixes" as that phrase was  
8 used by TomorrowNow in the SAS database. TomorrowNow's "master fixes" are not the actual  
9 objects included in fixes or updates that are developed for TomorrowNow's customers. "Master  
10 fixes" and "master bundles" are records that describe the issue to be addressed and then serve as a  
11 record keeping device and reference for that issue and related activity TomorrowNow undertook  
12 to address that issue. The actual development of customer-specific objects included in customer-  
13 specific fixes and updates was referenced to a "master bundle" or "master fix" record for  
14 identification and record keeping purposes. Thus, if this request seeks an admission related to  
15 each and every object related to each and every customer-specific fix or update that  
16 TomorrowNow developed, then this single request impermissibly seeks literally thousands of  
17 admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects  
18 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG,  
19 SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
20 request, Defendants would have to analyze each individual object in each fix or update contained  
21 within each master bundle. Defendants, therefore, object on the basis that this request is  
22 compound, overly broad and unduly burdensome because it seeks an admission regarding  
23 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
24 numerous employees, (3) took place over several years, and (4) would require Defendants to  
25 review enormous volumes of business records to attempt to determine an answer, if possible, for  
26 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
27 Defendants object to this request on the basis that Defendants' burden associated with responding  
28 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought

1 through this request, especially because the available documents, data and other information from  
2 which the answer, if any, could be derived in response to this request have been produced by  
3 Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available  
4 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and  
5 without waiving the foregoing objections and qualifications, Defendants respond as follows:

6 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
7 information Defendants currently know or can readily obtain, Defendants have insufficient  
8 information to admit or deny this request.

9 **REQUEST FOR ADMISSION NO. 582:**

10 Admit that TN's process for determining its "source groups" (as the term is used in  
11 Requests Nos. 576-579) more often than not involved in part doing a visual comparison of the  
12 Customer Local Environments in the group to identify relevant differences in the codeline.

13 **RESPONSE TO REQUEST FOR ADMISSION NO. 582:**

14 Defendants object to this request on the grounds stated in the General Objections and  
15 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
16 respect to the information sought in this request because Defendants SAP AG and SAP America  
17 have no additional knowledge separate and apart from the information provided by Defendant  
18 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
19 "process," "source groups," "visual comparison," "local environment," "relevant differences,"  
20 "more often than not," and "codeline" are subject to multiple meanings and, as such, are overly  
21 broad, vague, and ambiguous. Further, as noted above, Request Nos. 576-579 refer to Exhibit B  
22 which lists the names of master fixes as that term was used by TomorrowNow in the SAS  
23 database. The master fixes are not the actual objects that are developed for TomorrowNow  
24 customers. Master fixes are records that simply identify problems for which TomorrowNow  
25 generally developed objects to resolve. The object development often took place at the release  
26 level, source level, and customer level. If this request is actually asking for information related to  
27 the process with regard to each and every object TomorrowNow developed, this number is more  
28 in line with the 33,185 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for

1 Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this question,  
2 Defendants would have to analyze each individual object in each fix or update contained within  
3 each master fix. Defendants, therefore, object to this request as compound and unduly  
4 burdensome in that this request seeks information and activities that (1) involved many thousands  
5 of objects, (2) involved numerous employees, (3) took place over several years, and (4) would  
6 require Defendants to review substantial business records to determine an answer, if possible, for  
7 each of the numerous numbers of objects contained within the fixes and updates, and Defendants'  
8 burden in doing so would be substantially similar to the burden for Plaintiffs to do so given that  
9 the available information is at least as equally accessible to Plaintiffs as it is to Defendants.

10 Subject to the General Objections and Responses and these specific objections, after a  
11 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
12 sufficient knowledge and information to either admit or deny these requests, as the information  
13 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
14 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

15 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 582:**

16 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
17 General Objections noted above. Defendants' response is based solely on Defendant  
18 TomorrowNow's knowledge with respect to the information sought in this request because  
19 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
20 information provided by Defendant TomorrowNow in this response. Defendants object to the  
21 request because the terms "process," "source groups," "visual comparison," "local environment,"  
22 "relevant differences," and "codeline" are capable of multiple meanings and thus, make this  
23 request overly broad, vague and ambiguous. Further, as noted above, Request Nos. 576-579  
24 incorporate references to Exhibit B which lists the names of "master fixes" as that phrase was  
25 used by TomorrowNow in the SAS database. TomorrowNow's "master fixes" are not the actual  
26 objects included in fixes or updates that are developed for TomorrowNow's customers. "Master  
27 fixes" and "master bundles" are records that describe the issue to be addressed and then serve as a  
28 record keeping device and reference for that issue and related activity TomorrowNow undertook



1 to address that issue. The actual development of customer-specific objects included in customer-  
2 specific fixes and updates was referenced to a “master bundle” or “master fix” record for  
3 identification and record keeping purposes. Thus, if this request seeks an admission related to  
4 each and every object related to each and every customer-specific fix or update that  
5 TomorrowNow developed, then this single request impermissibly seeks literally thousands of  
6 admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects  
7 listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for Admissions to SAP AG,  
8 SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
9 request, Defendants would have to analyze each individual object in each fix or update contained  
10 within each master bundle. Defendants, therefore, object on the basis that this request is  
11 compound, overly broad and unduly burdensome because it seeks an admission regarding  
12 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
13 numerous employees, (3) took place over several years, and (4) would require Defendants to  
14 review enormous volumes of business records to attempt to determine an answer, if possible, for  
15 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
16 Defendants object to this request on the basis that Defendants’ burden associated with responding  
17 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
18 through this request, especially because the available documents, data and other information from  
19 which the answer, if any, could be derived in response to this request have been produced by  
20 Defendants in response to Plaintiffs’ other discovery requests and thus any relevant, available  
21 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and  
22 without waiving the foregoing objections and qualifications, Defendants respond as follows:

23 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
24 information Defendants currently know or can readily obtain, Defendants have insufficient  
25 information to admit or deny this request.

26 **REQUEST FOR ADMISSION NO. 583:**

27 Admit that TN’s process for determining its “source groups” (as the term is used in  
28 Requests Nos. 576-579) generally involved in part doing a visual comparison of the Customer

1 Local Environments in the group to identify relevant visible differences in the codeline.

2 **RESPONSE TO REQUEST FOR ADMISSION NO. 583:**

3 Defendants object to this request on the grounds stated in the General Objections and  
4 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
5 respect to the information sought in this request because Defendants SAP AG and SAP America  
6 have no additional knowledge separate and apart from the information provided by Defendant  
7 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
8 "process," "source groups," "visual comparison," "local environment," "relevant differences,"  
9 "generally," and "codeline" are subject to multiple meanings and, as such, are overly broad,  
10 vague, and ambiguous. Further, as noted above, Request Nos. 576-579 refer to Exhibit B which  
11 lists the names of master fixes as that term was used by TomorrowNow in the SAS database. The  
12 master fixes are not the actual objects that are developed for TomorrowNow customers. Master  
13 fixes are records that simply identify problems for which TomorrowNow generally developed  
14 objects to resolve. The object development often took place at the release level, source level, and  
15 customer level. If this request is actually asking for information related to the process with regard  
16 to each and every object TomorrowNow developed, this number is more in line with the 33,185  
17 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG,  
18 SAP America, and TomorrowNow. To respond to this question, Defendants would have to  
19 analyze each individual object in each fix or update contained within each master fix. Defendants,  
20 therefore, object to this request as compound and unduly burdensome in that this request seeks  
21 information and activities that (1) involved many thousands of objects, (2) involved numerous  
22 employees, (3) took place over several years, and (4) would require Defendants to review  
23 substantial business records to determine an answer, if possible, for each of the numerous  
24 numbers of objects contained within the fixes and updates, and Defendants' burden in doing so  
25 would be substantially similar to the burden for Plaintiffs to do so given that the available  
26 information is at least as equally accessible to Plaintiffs as it is to Defendants.

27 Subject to the General Objections and Responses and these specific objections, after a  
28 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack

1 sufficient knowledge and information to either admit or deny these requests, as the information  
2 sought was not tracked, recorded, or maintained by TomorrowNow in a “readily obtainable  
3 manner.” Based on all of the reasons and objections stated above, these requests are DENIED.

4 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 583:**

5 Defendants incorporate by reference, as if fully set forth herein, all of Defendants’  
6 General Objections noted above. Defendants’ response is based solely on Defendant  
7 TomorrowNow’s knowledge with respect to the information sought in this request because  
8 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
9 information provided by Defendant TomorrowNow in this response. Defendants object to the  
10 request because the terms “process,” “source groups,” “visual comparison,” “local environment,”  
11 “relevant visible differences,” “generally” and “codeline” are capable of multiple meanings and  
12 thus, make this request overly broad, vague and ambiguous. Further, as noted above, Request  
13 Nos. 576-579 incorporate references to Exhibit B which lists the names of “master fixes” as that  
14 phrase was used by TomorrowNow in the SAS database. TomorrowNow’s “master fixes” are not  
15 the actual objects included in fixes or updates that are developed for TomorrowNow’s customers.  
16 “Master fixes” and “master bundles” are records that describe the issue to be addressed and then  
17 serve as a record keeping device and reference for that issue and related activity TomorrowNow  
18 undertook to address that issue. The actual development of customer-specific objects included in  
19 customer-specific fixes and updates was referenced to a “master bundle” or “master fix” record  
20 for identification and record keeping purposes. Thus, if this request seeks an admission related to  
21 each and every object related to each and every customer-specific fix or update that  
22 TomorrowNow developed, then this single request impermissibly seeks literally thousands of  
23 admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects  
24 listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for Admissions to SAP AG,  
25 SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
26 request, Defendants would have to analyze each individual object in each fix or update contained  
27 within each master bundle. Defendants, therefore, object on the basis that this request is  
28 compound, overly broad and unduly burdensome because it seeks an admission regarding

1 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
2 numerous employees, (3) took place over several years, and (4) would require Defendants to  
3 review enormous volumes of business records to attempt to determine an answer, if possible, for  
4 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
5 Defendants object to this request on the basis that Defendants' burden associated with responding  
6 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
7 through this request, especially because the available documents, data and other information from  
8 which the answer, if any, could be derived in response to this request have been produced by  
9 Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available  
10 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and  
11 without waiving the foregoing objections and qualifications, Defendants respond as follows:

12 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
13 information Defendants currently know or can readily obtain, Defendants have insufficient  
14 information to admit or deny this request.

15 **REQUEST FOR ADMISSION NO. 584:**

16 Admit that TN's process for determining its "source groups" (as the term is used in  
17 Requests Nos. 576-579) sometimes involved in part doing a visual comparison of the Customer  
18 Local Environments in the group to identify relevant differences in the codeline.

19 **RESPONSE TO REQUEST FOR ADMISSION NO. 584:**

20 Defendants object to this request on the grounds stated in the General Objections and  
21 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
22 respect to the information sought in this request because Defendants SAP AG and SAP America  
23 have no additional knowledge separate and apart from the information provided by Defendant  
24 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
25 "process," "source groups," "visual comparison," "local environment," "relevant differences,"  
26 "sometimes," and "codeline" are subject to multiple meanings and, as such, are overly broad,  
27 vague, and ambiguous. Further, as noted above, Request Nos. 576-579 refer to Exhibit B which  
28 lists the names of master fixes as that term was used by TomorrowNow in the SAS database. The

1 master fixes are not the actual objects that are developed for TomorrowNow customers. Master  
2 fixes are records that simply identify problems for which TomorrowNow generally developed  
3 objects to resolve. The object development often took place at the release level, source level, and  
4 customer level. If this request is actually asking for information related to the process with regard  
5 to each and every object TomorrowNow developed, this number is more in line with the 33,185  
6 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG,  
7 SAP America, and TomorrowNow. To respond to this question, Defendants would have to  
8 analyze each individual object in each fix or update contained within each master fix. Defendants,  
9 therefore, object to this request as compound and unduly burdensome in that this request seeks  
10 information and activities that (1) involved many thousands of objects, (2) involved numerous  
11 employees, (3) took place over several years, and (4) would require Defendants to review  
12 substantial business records to determine an answer, if possible, for each of the numerous  
13 numbers of objects contained within the fixes and updates, and Defendants' burden in doing so  
14 would be substantially similar to the burden for Plaintiffs to do so given that the available  
15 information is at least as equally accessible to Plaintiffs as it is to Defendants.

16 Subject to the General Objections and Responses and these specific objections, after a  
17 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
18 sufficient knowledge and information to either admit or deny these requests, as the information  
19 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
20 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

21 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 584:**

22 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
23 General Objections noted above. Defendants' response is based solely on Defendant  
24 TomorrowNow's knowledge with respect to the information sought in this request because  
25 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
26 information provided by Defendant TomorrowNow in this response. Defendants object to the  
27 request because the terms "process," "source groups," "visual comparison," "local  
28 environments," "relevant differences," "sometimes" and "codeline" are capable of multiple

1 meanings and thus, make this request overly broad, vague and ambiguous. Further, as noted  
2 above, Request Nos. 576-579 incorporate references to Exhibit B which lists the names of  
3 “master fixes” as that phrase was used by TomorrowNow in the SAS database. TomorrowNow’s  
4 “master fixes” are not the actual objects included in fixes or updates that are developed for  
5 TomorrowNow’s customers. “Master fixes” and “master bundles” are records that describe the  
6 issue to be addressed and then serve as a record keeping device and reference for that issue and  
7 related activity TomorrowNow undertook to address that issue. The actual development of  
8 customer-specific objects included in customer-specific fixes and updates was referenced to a  
9 “master bundle” or “master fix” record for identification and record keeping purposes. Thus, if  
10 this request seeks an admission related to each and every object related to each and every  
11 customer-specific fix or update that TomorrowNow developed, then this single request  
12 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
13 impermissibly seek regarding the 33,185 objects listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third  
14 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
15 intent of this request, then to respond to this request, Defendants would have to analyze each  
16 individual object in each fix or update contained within each master bundle. Defendants,  
17 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
18 because it seeks an admission regarding thousands of separate activities that (1) involved many  
19 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
20 would require Defendants to review enormous volumes of business records to attempt to  
21 determine an answer, if possible, for each of the numerous objects contained within the  
22 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
23 Defendants’ burden associated with responding to this request is substantially similar to the  
24 burden for Plaintiffs to obtain the information sought through this request, especially because the  
25 available documents, data and other information from which the answer, if any, could be derived  
26 in response to this request have been produced by Defendants in response to Plaintiffs’ other  
27 discovery requests and thus any relevant, available information is now as equally accessible to  
28 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and

1 qualifications, Defendants respond as follows:

2 ADMITTED on the following qualified basis: TomorrowNow reasonably believes that  
3 TomorrowNow employees sometimes (meaning more than once) determined if the object could  
4 be developed at the release level, for a specific group of customers within a release level or on a  
5 customer-by-customer basis by in part doing a visual comparison of components of one specific  
6 customer's local environment to components of another specific customer's local environment.

7 To the extent not admitted, this request is DENIED.

8 **REQUEST FOR ADMISSION NO. 585:**

9 Admit that the visual comparison described in Requests Nos. 580-584 always utilized in  
10 part the software program Araxis Merge, which is a tool used to compare software code to  
11 identify similarities and differences.

12 **RESPONSE TO REQUEST FOR ADMISSION NO. 585:**

13 Defendants object to this request on the grounds stated in the General Objections and  
14 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
15 respect to the information sought in this request because Defendants SAP AG and SAP America  
16 have no additional knowledge separate and apart from the information provided by Defendant  
17 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
18 "visual comparison," "utilized," and "software code" are subject to multiple meanings and, as  
19 such, are overly broad, vague, and ambiguous. Defendants further object to the definition of  
20 Araxis Merge as "a tool used to compare software code to identify similarities and differences" as  
21 being subject to multiple meanings and, as such, being vague and ambiguous. Further, as noted  
22 above, Request Nos. 584-580 incorporate references to Exhibit B which lists the names of master  
23 fixes as that term was used by TomorrowNow in the SAS database. The master fixes are not the  
24 actual objects that are developed for TomorrowNow customers. Master fixes are records that  
25 simply identify problems for which TomorrowNow generally developed objects to resolve. The  
26 object development often took place at the release level, source level, and customer level. If this  
27 request is actually asking for information related to each and every object TomorrowNow  
28 developed, this number is more in line with the 33,185 listed in Plaintiffs' Exhibit D to Plaintiffs'

1 Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To  
2 respond to this question, Defendants would have to analyze each individual object in each fix or  
3 update contained within each master fix. Defendants, therefore, object to this request as  
4 compound and unduly burdensome in that this request seeks information and activities that (1)  
5 involved many thousands of objects, (2) involved numerous employees, (3) took place over  
6 several years, and (4) would require Defendants to review substantial business records to  
7 determine an answer, if possible, for each of the numerous numbers of objects contained within  
8 the fixes and updates, and Defendants' burden in doing so would be substantially similar to the  
9 burden for Plaintiffs to do so given that the available information is at least as equally accessible  
10 to Plaintiffs as it is to Defendants.

11 Subject to the General Objections and Responses and these specific objections, after a  
12 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
13 sufficient knowledge and information to either admit or deny these requests, as the information  
14 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
15 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

16 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 585:**

17 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
18 General Objections noted above. Defendants' response is based solely on Defendant  
19 TomorrowNow's knowledge with respect to the information sought in this request because  
20 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
21 information provided by Defendant TomorrowNow in this response. Defendants object to the  
22 request because the terms "visual comparison," "utilized," and "software code" are capable of  
23 multiple meanings and thus, make this request overly broad, vague and ambiguous. Defendants  
24 further object to the definition of Araxis Merge as "a tool used to compare software code to  
25 identify similarities and differences" as being subject to multiple meanings and, as such, being  
26 overly broad, vague and ambiguous. Defendants also object to this request because it incorrectly  
27 assumes that Request Nos. 580-584 are admitted and because the reference to those five requests  
28 make this request compound, overly broad, vague and ambiguous. Further, as noted above,



1 Request Nos. 580-584 incorporate references to Exhibit B which lists the names of “master fixes”  
2 as that phrase was used by TomorrowNow in the SAS database. TomorrowNow’s “master fixes”  
3 are not the actual objects included in fixes or updates that are developed for TomorrowNow’s  
4 customers. “Master fixes” and “master bundles” are records that describe the issue to be  
5 addressed and then serve as a record keeping device and reference for that issue and related  
6 activity TomorrowNow undertook to address that issue. The actual development of customer-  
7 specific objects included in customer-specific fixes and updates was referenced to a “master  
8 bundle” or “master fix” record for identification and record keeping purposes. Thus, if this  
9 request seeks an admission related to each and every object related to each and every customer-  
10 specific fix or update that TomorrowNow developed, then this single request impermissibly seeks  
11 literally thousands of admissions similar to the admissions Plaintiffs impermissibly seek  
12 regarding the 33,185 objects listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for  
13 Admissions to SAP AG, SAP America, and TomorrowNow. If that is the intent of this request,  
14 then to respond to this request, Defendants would have to analyze each individual object in each  
15 fix or update contained within each master bundle. Defendants, therefore, object on the basis that  
16 this request is compound, overly broad and unduly burdensome because it seeks an admission  
17 regarding thousands of separate activities that (1) involved many thousands of objects, (2)  
18 involved numerous employees, (3) took place over several years, and (4) would require  
19 Defendants to review enormous volumes of business records to attempt to determine an answer, if  
20 possible, for each of the numerous objects contained within the referenced fixes and updates.  
21 Moreover, Defendants object to this request on the basis that Defendants’ burden associated with  
22 responding to this request is substantially similar to the burden for Plaintiffs to obtain the  
23 information sought through this request, especially because the available documents, data and  
24 other information from which the answer, if any, could be derived in response to this request have  
25 been produced by Defendants in response to Plaintiffs’ other discovery requests and thus any  
26 relevant, available information is now as equally accessible to Plaintiffs as it is to Defendants.  
27 Subject to and without waiving the foregoing objections and qualifications, Defendants respond  
28 as follows:

1 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
2 information Defendants currently know or can readily obtain, Defendants have insufficient  
3 information to admit or deny this request.

4 **REQUEST FOR ADMISSION NO. 586:**

5 Admit that the visual comparison described in Requests Nos. 580-584 usually utilized in  
6 part the software program Araxis Merge, which is a tool used to compare software code to  
7 identify similarities and differences.

8 **RESPONSE TO REQUEST FOR ADMISSION NO. 586:**

9 Defendants object to this request on the grounds stated in the General Objections and  
10 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
11 respect to the information sought in this request because Defendants SAP AG and SAP America  
12 have no additional knowledge separate and apart from the information provided by Defendant  
13 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
14 "visual comparison," "utilized," "usually," and "software code" are subject to multiple meanings  
15 and, as such, are overly broad, vague, and ambiguous. Defendants further object to the definition  
16 of Araxis Merge as "a tool used to compare software code to identify similarities and differences"  
17 as being subject to multiple meanings and, as such, being vague and ambiguous. Further, as  
18 noted above, Request Nos. 584-580 incorporate references to Exhibit B which lists the names of  
19 master fixes as that term was used by TomorrowNow in the SAS database. The master fixes are  
20 not the actual objects that are developed for TomorrowNow customers. Master fixes are records  
21 that simply identify problems for which TomorrowNow generally developed objects to resolve.  
22 The object development often took place at the release level, source level, and customer level. If  
23 this request is actually asking for information related to each and every object TomorrowNow  
24 developed, this number is more in line with the 33,185 listed in Plaintiffs' Exhibit D to Plaintiffs'  
25 Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To  
26 respond to this question, Defendants would have to analyze each individual object in each fix or  
27 update contained within each master fix. Defendants, therefore, object to this request as  
28 compound and unduly burdensome in that this request seeks information and activities that (1)

1 involved many thousands of objects, (2) involved numerous employees, (3) took place over  
2 several years, and (4) would require Defendants to review substantial business records to  
3 determine an answer, if possible, for each of the numerous numbers of objects contained within  
4 the fixes and updates, and Defendants' burden in doing so would be substantially similar to the  
5 burden for Plaintiffs to do so given that the available information is at least as equally accessible  
6 to Plaintiffs as it is to Defendants.

7 Subject to the General Objections and Responses and these specific objections, after a  
8 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
9 sufficient knowledge and information to either admit or deny these requests, as the information  
10 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
11 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

12 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 586:**

13 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
14 General Objections noted above. Defendants' response is based solely on Defendant  
15 TomorrowNow's knowledge with respect to the information sought in this request because  
16 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
17 information provided by Defendant TomorrowNow in this response. Defendants object to the  
18 request because the terms "visual comparison," "utilized," "usually" and "software code" are  
19 capable of multiple meanings and thus, make this request overly broad, vague and ambiguous.  
20 Defendants further object to the definition of Araxis Merge as "a tool used to compare software  
21 code to identify similarities and differences" as being subject to multiple meanings and, as such,  
22 being overly broad, vague and ambiguous. Defendants also object to this request because it  
23 incorrectly assumes that Request Nos. 580-584 are admitted and because the reference to those  
24 five requests make this request compound, overly broad, vague and ambiguous. Further, as noted  
25 above, Request Nos. 580-584 incorporate references to Exhibit B which lists the names of  
26 "master fixes" as that phrase was used by TomorrowNow in the SAS database. TomorrowNow's  
27 "master fixes" are not the actual objects included in fixes or updates that are developed for  
28 TomorrowNow's customers. "Master fixes" and "master bundles" are records that describe the

1 issue to be addressed and then serve as a record keeping device and reference for that issue and  
2 related activity TomorrowNow undertook to address that issue. The actual development of  
3 customer-specific objects included in customer-specific fixes and updates was referenced to a  
4 “master bundle” or “master fix” record for identification and record keeping purposes. Thus, if  
5 this request seeks an admission related to each and every object related to each and every  
6 customer-specific fix or update that TomorrowNow developed, then this single request  
7 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
8 impermissibly seek regarding the 33,185 objects listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third  
9 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
10 intent of this request, then to respond to this request, Defendants would have to analyze each  
11 individual object in each fix or update contained within each master bundle. Defendants,  
12 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
13 because it seeks an admission regarding thousands of separate activities that (1) involved many  
14 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
15 would require Defendants to review enormous volumes of business records to attempt to  
16 determine an answer, if possible, for each of the numerous objects contained within the  
17 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
18 Defendants’ burden associated with responding to this request is substantially similar to the  
19 burden for Plaintiffs to obtain the information sought through this request, especially because the  
20 available documents, data and other information from which the answer, if any, could be derived  
21 in response to this request have been produced by Defendants in response to Plaintiffs’ other  
22 discovery requests and thus any relevant, available information is now as equally accessible to  
23 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
24 qualifications, Defendants respond as follows:

25 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
26 information Defendants currently know or can readily obtain, Defendants have insufficient  
27 information to admit or deny this request.  
28

1 **REQUEST FOR ADMISSION NO. 587:**

2 Admit that the visual comparison described in Requests Nos. 580-584 more often than not  
3 utilized in part the software program Araxis Merge, which is a tool used to compare software  
4 code to identify similarities and differences.

5 **RESPONSE TO REQUEST FOR ADMISSION NO. 587:**

6 Defendants object to this request on the grounds stated in the General Objections and  
7 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
8 respect to the information sought in this request because Defendants SAP AG and SAP America  
9 have no additional knowledge separate and apart from the information provided by Defendant  
10 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
11 "visual comparison," "utilized," "more often than not," and "software code" are subject to  
12 multiple meanings and, as such, are overly broad, vague, and ambiguous. Defendants further  
13 object to the definition of Araxis Merge as "a tool used to compare software code to identify  
14 similarities and differences" as being subject to multiple meanings and, as such, being vague and  
15 ambiguous. Further, as noted above, Request Nos. 584-580 incorporate references to Exhibit B  
16 which lists the names of master fixes as that term was used by TomorrowNow in the SAS  
17 database. The master fixes are not the actual objects that are developed for TomorrowNow  
18 customers. Master fixes are records that simply identify problems for which TomorrowNow  
19 generally developed objects to resolve. The object development often took place at the release  
20 level, source level, and customer level. If this request is actually asking for information related to  
21 each and every object TomorrowNow developed, this number is more in line with the 33,185  
22 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG,  
23 SAP America, and TomorrowNow. To respond to this question, Defendants would have to  
24 analyze each individual object in each fix or update contained within each master fix. Defendants,  
25 therefore, object to this request as compound and unduly burdensome in that this request seeks  
26 information and activities that (1) involved many thousands of objects, (2) involved numerous  
27 employees, (3) took place over several years, and (4) would require Defendants to review  
28 substantial business records to determine an answer, if possible, for each of the numerous

1 numbers of objects contained within the fixes and updates, and Defendants' burden in doing so  
2 would be substantially similar to the burden for Plaintiffs to do so given that the available  
3 information is at least as equally accessible to Plaintiffs as it is to Defendants.

4 Subject to the General Objections and Responses and these specific objections, after a  
5 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
6 sufficient knowledge and information to either admit or deny these requests, as the information  
7 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
8 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

9 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 587:**

10 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
11 General Objections noted above. Defendants' response is based solely on Defendant  
12 TomorrowNow's knowledge with respect to the information sought in this request because  
13 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
14 information provided by Defendant TomorrowNow in this response. Defendants object to the  
15 request because the terms "visual comparison," "utilized," and "software code" are capable of  
16 multiple meanings and thus, make this request overly broad, vague and ambiguous. Defendants  
17 further object to the definition of Araxis Merge as "a tool used to compare software code to  
18 identify similarities and differences" as being subject to multiple meanings and, as such, being  
19 overly broad, vague and ambiguous. Defendants also object to this request because it incorrectly  
20 assumes that Request Nos. 580-584 are admitted and because the reference to those five requests  
21 make this request compound, overly broad, vague and ambiguous. Further, as noted above,  
22 Request Nos. 580-584 incorporate references to Exhibit B which lists the names of "master fixes"  
23 as that phrase was used by TomorrowNow in the SAS database. TomorrowNow's "master fixes"  
24 are not the actual objects included in fixes or updates that are developed for TomorrowNow's  
25 customers. "Master fixes" and "master bundles" are records that describe the issue to be  
26 addressed and then serve as a record keeping device and reference for that issue and related  
27 activity TomorrowNow undertook to address that issue. The actual development of customer-  
28 specific objects included in customer-specific fixes and updates was referenced to a "master

1 bundle” or “master fix” record for identification and record keeping purposes. Thus, if this  
2 request seeks an admission related to each and every object related to each and every customer-  
3 specific fix or update that TomorrowNow developed, then this single request impermissibly seeks  
4 literally thousands of admissions similar to the admissions Plaintiffs impermissibly seek  
5 regarding the 33,185 objects listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for  
6 Admissions to SAP AG, SAP America, and TomorrowNow. If that is the intent of this request,  
7 then to respond to this request, Defendants would have to analyze each individual object in each  
8 fix or update contained within each master bundle. Defendants, therefore, object on the basis that  
9 this request is compound, overly broad and unduly burdensome because it seeks an admission  
10 regarding thousands of separate activities that (1) involved many thousands of objects, (2)  
11 involved numerous employees, (3) took place over several years, and (4) would require  
12 Defendants to review enormous volumes of business records to attempt to determine an answer, if  
13 possible, for each of the numerous objects contained within the referenced fixes and updates.  
14 Moreover, Defendants object to this request on the basis that Defendants’ burden associated with  
15 responding to this request is substantially similar to the burden for Plaintiffs to obtain the  
16 information sought through this request, especially because the available documents, data and  
17 other information from which the answer, if any, could be derived in response to this request have  
18 been produced by Defendants in response to Plaintiffs’ other discovery requests and thus any  
19 relevant, available information is now as equally accessible to Plaintiffs as it is to Defendants.  
20 Subject to and without waiving the foregoing objections and qualifications, Defendants respond  
21 as follows:

22 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
23 information Defendants currently know or can readily obtain, Defendants have insufficient  
24 information to admit or deny this request.

25 **REQUEST FOR ADMISSION NO. 588:**

26 Admit that the visual comparison described in Requests Nos. 580-584 generally utilized in  
27 part the software program Araxis Merge, which is a tool used to compare software code to  
28 identify similarities and differences.

**RESPONSE TO REQUEST FOR ADMISSION NO. 588:**

Defendants object to this request on the grounds stated in the General Objections and Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant TomorrowNow in this response. Defendants object to the request because the terms and phrases "visual comparison," "utilized," "generally," and "software code" are subject to multiple meanings and, as such, are overly broad, vague, and ambiguous. Defendants further object to the definition of Araxis Merge as "a tool used to compare software code to identify similarities and differences" as being subject to multiple meanings and, as such, being vague and ambiguous. Further, as noted above, Request Nos. 584-580 incorporate references to Exhibit B which lists the names of master fixes as that term was used by TomorrowNow in the SAS database. The master fixes are not the actual objects that are developed for TomorrowNow customers. Master fixes are records that simply identify problems for which TomorrowNow generally developed objects to resolve. The object development often took place at the release level, source level, and customer level. If this request is actually asking for information related to each and every object TomorrowNow developed, this number is more in line with the 33,185 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this question, Defendants would have to analyze each individual object in each fix or update contained within each master fix. Defendants, therefore, object to this request as compound and unduly burdensome in that this request seeks information and activities that (1) involved many thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4) would require Defendants to review substantial business records to determine an answer, if possible, for each of the numerous numbers of objects contained within the fixes and updates, and Defendants' burden in doing so would be substantially similar to the burden for Plaintiffs to do so given that the available information is at least as equally accessible to Plaintiffs as it is to Defendants.

Subject to the General Objections and Responses and these specific objections, after a



1 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
2 sufficient knowledge and information to either admit or deny these requests, as the information  
3 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
4 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

5 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 588:**

6 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
7 General Objections noted above. Defendants' response is based solely on Defendant  
8 TomorrowNow's knowledge with respect to the information sought in this request because  
9 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
10 information provided by Defendant TomorrowNow in this response. Defendants object to the  
11 request because the terms "visual comparison," "utilized," "generally" and "software code" are  
12 capable of multiple meanings and thus, make this request overly broad, vague and ambiguous.  
13 Defendants further object to the definition of Araxis Merge as "a tool used to compare software  
14 code to identify similarities and differences" as being subject to multiple meanings and, as such,  
15 being overly broad, vague and ambiguous. Defendants also object to this request because it  
16 incorrectly assumes that Request Nos. 580-584 are admitted and because the reference to those  
17 five requests make this request compound, overly broad, vague and ambiguous. Further, as noted  
18 above, Request Nos. 580-584 incorporate references to Exhibit B which lists the names of  
19 "master fixes" as that phrase was used by TomorrowNow in the SAS database. TomorrowNow's  
20 "master fixes" are not the actual objects included in fixes or updates that are developed for  
21 TomorrowNow's customers. "Master fixes" and "master bundles" are records that describe the  
22 issue to be addressed and then serve as a record keeping device and reference for that issue and  
23 related activity TomorrowNow undertook to address that issue. The actual development of  
24 customer-specific objects included in customer-specific fixes and updates was referenced to a  
25 "master bundle" or "master fix" record for identification and record keeping purposes. Thus, if  
26 this request seeks an admission related to each and every object related to each and every  
27 customer-specific fix or update that TomorrowNow developed, then this single request  
28 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs

1 impermissibly seek regarding the 33,185 objects listed in Plaintiffs' Exhibit D to Plaintiffs' Third  
2 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
3 intent of this request, then to respond to this request, Defendants would have to analyze each  
4 individual object in each fix or update contained within each master bundle. Defendants,  
5 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
6 because it seeks an admission regarding thousands of separate activities that (1) involved many  
7 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
8 would require Defendants to review enormous volumes of business records to attempt to  
9 determine an answer, if possible, for each of the numerous objects contained within the  
10 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
11 Defendants' burden associated with responding to this request is substantially similar to the  
12 burden for Plaintiffs to obtain the information sought through this request, especially because the  
13 available documents, data and other information from which the answer, if any, could be derived  
14 in response to this request have been produced by Defendants in response to Plaintiffs' other  
15 discovery requests and thus any relevant, available information is now as equally accessible to  
16 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
17 qualifications, Defendants respond as follows:

18 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
19 information Defendants currently know or can readily obtain, Defendants have insufficient  
20 information to admit or deny this request.

21 **REQUEST FOR ADMISSION NO. 589:**

22 Admit that the visual comparison described in Requests Nos. 580-584 sometimes utilized  
23 in part the software program Araxis Merge, which is a tool used to compare software code to  
24 identify similarities and differences.

25 **RESPONSE TO REQUEST FOR ADMISSION NO. 589:**

26 Defendants object to this request on the grounds stated in the General Objections and  
27 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
28 respect to the information sought in this request because Defendants SAP AG and SAP America

1 have no additional knowledge separate and apart from the information provided by Defendant  
2 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
3 “visual comparison,” “utilized,” “sometimes,” and “software code” are subject to multiple  
4 meanings and, as such, are overly broad, vague, and ambiguous. Defendants further object to the  
5 definition of Araxis Merge as “a tool used to compare software code to identify similarities and  
6 differences” as being subject to multiple meanings and, as such, being vague and ambiguous.  
7 Further, as noted above, Request Nos. 584-580 incorporate references to Exhibit B which lists the  
8 names of master fixes as that term was used by TomorrowNow in the SAS database. The master  
9 fixes are not the actual objects that are developed for TomorrowNow customers. Master fixes are  
10 records that simply identify problems for which TomorrowNow generally developed objects to  
11 resolve. The object development often took place at the release level, source level, and customer  
12 level. If this request is actually asking for information related to each and every object  
13 TomorrowNow developed, this number is more in line with the 33,185 listed in Plaintiffs’ Exhibit  
14 D to Plaintiffs’ Third Set of Requests for Admissions to SAP AG, SAP America, and  
15 TomorrowNow. To respond to this question, Defendants would have to analyze each individual  
16 object in each fix or update contained within each master fix. Defendants, therefore, object to this  
17 request as compound and unduly burdensome in that this request seeks information and activities  
18 that (1) involved many thousands of objects, (2) involved numerous employees, (3) took place  
19 over several years, and (4) would require Defendants to review substantial business records to  
20 determine an answer, if possible, for each of the numerous numbers of objects contained within  
21 the fixes and updates, and Defendants’ burden in doing so would be substantially similar to the  
22 burden for Plaintiffs to do so given that the available information is at least as equally accessible  
23 to Plaintiffs as it is to Defendants.

24 Subject to the General Objections and Responses and these specific objections, after a  
25 reasonable inquiry and based on Defendants’ understanding of these questions, Defendants lack  
26 sufficient knowledge and information to either admit or deny these requests, as the information  
27 sought was not tracked, recorded, or maintained by TomorrowNow in a “readily obtainable  
28 manner.” Based on all of the reasons and objections stated above, these requests are DENIED.

**AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 589:**

Defendants incorporate by reference, as if fully set forth herein, all of Defendants' General Objections noted above. Defendants' response is based solely on Defendant TomorrowNow's knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant TomorrowNow in this response. Defendants object to the request because the terms "visual comparison," "utilized," "sometimes" and "software code" are capable of multiple meanings and thus, make this request overly broad, vague and ambiguous. Defendants further object to the definition of Araxis Merge as "a tool used to compare software code to identify similarities and differences" as being subject to multiple meanings and, as such, being overly broad, vague and ambiguous. Defendants also object to this request because it incorrectly assumes that Request Nos. 580-584 are admitted and because the reference to those five requests make this request compound, overly broad, vague and ambiguous. Further, as noted above, Request Nos. 580-584 incorporate references to Exhibit B which lists the names of "master fixes" as that phrase was used by TomorrowNow in the SAS database. TomorrowNow's "master fixes" are not the actual objects included in fixes or updates that are developed for TomorrowNow's customers. "Master fixes" and "master bundles" are records that describe the issue to be addressed and then serve as a record keeping device and reference for that issue and related activity TomorrowNow undertook to address that issue. The actual development of customer-specific objects included in customer-specific fixes and updates was referenced to a "master bundle" or "master fix" record for identification and record keeping purposes. Thus, if this request seeks an admission related to each and every object related to each and every customer-specific fix or update that TomorrowNow developed, then this single request impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this request, Defendants would have to analyze each individual object in each fix or update contained within each master bundle. Defendants,

1 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
2 because it seeks an admission regarding thousands of separate activities that (1) involved many  
3 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
4 would require Defendants to review enormous volumes of business records to attempt to  
5 determine an answer, if possible, for each of the numerous objects contained within the  
6 referenced files and updates. Moreover, Defendants object to this request on the basis that  
7 Defendants' burden associated with responding to this request is substantially similar to the  
8 burden for Plaintiffs to obtain the information sought through this request, especially because the  
9 available documents, data and other information from which the answer, if any, could be derived  
10 in response to this request have been produced by Defendants in response to Plaintiffs' other  
11 discovery requests and thus any relevant, available information is now as equally accessible to  
12 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
13 qualifications, Defendants respond as follows:

14 ADMITTED on the following qualified basis: TomorrowNow reasonably believes that  
15 TomorrowNow employees sometimes (meaning more than once) determined if the object could  
16 either be developed at the release level for a specific group of customers within a release level or  
17 on a customer-by-customer basis by in part doing a visual comparison using "Araxis Merge" of  
18 components of one specific customer's local environment to components of another specific  
19 customer's local environment. To the extent not admitted, this request is DENIED.

20 **REQUEST FOR ADMISSION NO. 590:**

21 Admit that TN's process for determining its "source groups" (as the term is used in  
22 Requests Nos. 576-579) always involved in part comparing the maintenance end dates of when  
23 Customers informed TN they had terminated PeopleSoft or Oracle support.

24 **RESPONSE TO REQUEST FOR ADMISSION NO. 590:**

25 Defendants object to this request on the grounds stated in the General Objections and  
26 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
27 respect to the information sought in this request because Defendants SAP AG and SAP America  
28 have no additional knowledge separate and apart from the information provided by Defendant

1 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
2 “process” and “source groups” are subject to multiple meanings and, as such, are overly broad,  
3 vague, and ambiguous. Defendants object to the phrase “comparing the maintenance end dates of  
4 when customers informed TN they had terminated PeopleSoft or Oracle support” as vague and  
5 confusing. Further, as noted above, Request Nos. 576-579 refer to Exhibit B which lists the  
6 names of master fixes as that term was used by TomorrowNow in the SAS database. The master  
7 fixes are not the actual objects that are developed for TomorrowNow customers. Master fixes are  
8 records that simply identify problems for which TomorrowNow generally developed objects to  
9 resolve. The object development often took place at the release level, source level, and customer  
10 level. If this request is actually asking for information related to the process with regard to each  
11 and every object TomorrowNow developed, this number is more in line with the 33,185 listed in  
12 Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for Admissions to SAP AG, SAP  
13 America, and TomorrowNow. To respond to this question, Defendants would have to analyze  
14 each individual object in each fix or update contained within each master fix. Defendants,  
15 therefore, object to this request as compound and unduly burdensome in that this request seeks  
16 information and activities that (1) involved many thousands of objects, (2) involved numerous  
17 employees, (3) took place over several years, and (4) would require Defendants to review  
18 substantial business records to determine an answer, if possible, for each of the numerous  
19 numbers of objects contained within the fixes and updates, and Defendants’ burden in doing so  
20 would be substantially similar to the burden for Plaintiffs to do so given that the available  
21 information is at least as equally accessible to Plaintiffs as it is to Defendants.

22 Subject to the General Objections and Responses and these specific objections, after a  
23 reasonable inquiry and based on Defendants’ understanding of these questions, Defendants lack  
24 sufficient knowledge and information to either admit or deny these requests, as the information  
25 sought was not tracked, recorded, or maintained by TomorrowNow in a “readily obtainable  
26 manner.” Based on all of the reasons and objections stated above, these requests are DENIED.

27 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 590:**

28 Defendants incorporate by reference, as if fully set forth herein, all of Defendants’

1 General Objections noted above. Defendants' response is based solely on Defendant  
2 TomorrowNow's knowledge with respect to the information sought in this request because  
3 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
4 information provided by Defendant TomorrowNow in this response. Defendants object to the  
5 request because the terms "process" and "source groups" are capable of multiple meanings and  
6 thus, make this request overly broad, vague and ambiguous. Defendants object to the phrase  
7 "comparing the maintenance end dates of when customers informed TN they had terminated  
8 PeopleSoft or Oracle support" as overly broad, vague and confusing. Further, as noted above,  
9 Request Nos. 576-579 refer to Exhibit B which lists the names of "master fixes" as that phrase  
10 was used by TomorrowNow in the SAS database. TomorrowNow's "master fixes" are not the  
11 actual objects included in fixes or updates that are developed for TomorrowNow's customers.  
12 "Master fixes" and "master bundles" are records that describe the issue to be addressed and then  
13 serve as a record keeping device and reference for that issue and related activity TomorrowNow  
14 undertook to address that issue. The actual development of customer-specific objects included in  
15 customer-specific fixes and updates was referenced to a "master bundle" or "master fix" record  
16 for identification and record keeping purposes. Thus, if this request seeks an admission related to  
17 each and every object related to each and every customer-specific fix or update that  
18 TomorrowNow developed, then this single request impermissibly seeks literally thousands of  
19 admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects  
20 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG,  
21 SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
22 request, Defendants would have to analyze each individual object in each fix or update contained  
23 within each master bundle. Defendants, therefore, object on the basis that this request is  
24 compound, overly broad and unduly burdensome because it seeks an admission regarding  
25 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
26 numerous employees, (3) took place over several years, and (4) would require Defendants to  
27 review enormous volumes of business records to attempt to determine an answer, if possible, for  
28 each of the numerous objects contained within the referenced fixes and updates. Moreover,

1 Defendants object to this request on the basis that Defendants' burden associated with responding  
2 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
3 through this request, especially because the available documents, data and other information from  
4 which the answer, if any, could be derived in response to this request have been produced by  
5 Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available  
6 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and  
7 without waiving the foregoing objections and qualifications, Defendants respond as follows:

8 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
9 information Defendants currently know or can readily obtain, Defendants have insufficient  
10 information to admit or deny this request.

11 **REQUEST FOR ADMISSION NO. 591:**

12 Admit that TN's process for determining its "source groups" (as the term is used in  
13 Requests Nos. 576-579) usually involved in part comparing the maintenance end dates of when  
14 Customers informed TN they had terminated PeopleSoft or Oracle support.

15 **RESPONSE TO REQUEST FOR ADMISSION NO. 591:**

16 Defendants object to this request on the grounds stated in the General Objections and  
17 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
18 respect to the information sought in this request because Defendants SAP AG and SAP America  
19 have no additional knowledge separate and apart from the information provided by Defendant  
20 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
21 "process," "usually," and "source groups" are subject to multiple meanings and, as such, are  
22 overly broad, vague, and ambiguous. Defendants object to the phrase "comparing the  
23 maintenance end dates of when customers informed TN they had terminated PeopleSoft or Oracle  
24 support" as vague and confusing. Further, as noted above, Request Nos. 576-579 refer to Exhibit  
25 B which lists the names of master fixes as that term was used by TomorrowNow in the SAS  
26 database. The master fixes are not the actual objects that are developed for TomorrowNow  
27 customers. Master fixes are records that simply identify problems for which TomorrowNow  
28 generally developed objects to resolve. The object development often took place at the release



1 level, source level, and customer level. If this request is actually asking for information related to  
2 the process with regard to each and every object TomorrowNow developed, this number is more  
3 in line with the 33,185 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for  
4 Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this question,  
5 Defendants would have to analyze each individual object in each fix or update contained within  
6 each master fix. Defendants, therefore, object to this request as compound and unduly  
7 burdensome in that this request seeks information and activities that (1) involved many thousands  
8 of objects, (2) involved numerous employees, (3) took place over several years, and (4) would  
9 require Defendants to review substantial business records to determine an answer, if possible, for  
10 each of the numerous numbers of objects contained within the fixes and updates, and Defendants'  
11 burden in doing so would be substantially similar to the burden for Plaintiffs to do so given that  
12 the available information is at least as equally accessible to Plaintiffs as it is to Defendants.

13 Subject to the General Objections and Responses and these specific objections, after a  
14 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
15 sufficient knowledge and information to either admit or deny these requests, as the information  
16 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
17 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

18 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 591:**

19 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
20 General Objections noted above. Defendants' response is based solely on Defendant  
21 TomorrowNow's knowledge with respect to the information sought in this request because  
22 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
23 information provided by Defendant TomorrowNow in this response. Defendants object to the  
24 request because the terms "process," "usually," and "source groups" are capable of multiple  
25 meanings and thus, make this request overly broad, vague and ambiguous. Defendants object to  
26 the phrase "comparing the maintenance end dates of when customers informed TN they had  
27 terminated PeopleSoft or Oracle support" as overly broad, vague and confusing. Further, as noted  
28 above, Request Nos. 576-579 refer to Exhibit B which lists the names of "master fixes" as that

1 phrase was used by TomorrowNow in the SAS database. TomorrowNow's "master fixes" are not  
2 the actual objects included in fixes or updates that are developed for TomorrowNow's customers.  
3 "Master fixes" and "master bundles" are records that describe the issue to be addressed and then  
4 serve as a record keeping device and reference for that issue and related activity TomorrowNow  
5 undertook to address that issue. The actual development of customer-specific objects included in  
6 customer-specific fixes and updates was referenced to a "master bundle" or "master fix" record  
7 for identification and record keeping purposes. Thus, if this request seeks an admission related to  
8 each and every object related to each and every customer-specific fix or update that  
9 TomorrowNow developed, then this single request impermissibly seeks literally thousands of  
10 admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects  
11 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG,  
12 SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
13 request, Defendants would have to analyze each individual object in each fix or update contained  
14 within each master bundle. Defendants, therefore, object on the basis that this request is  
15 compound, overly broad and unduly burdensome because it seeks an admission regarding  
16 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
17 numerous employees, (3) took place over several years, and (4) would require Defendants to  
18 review enormous volumes of business records to attempt to determine an answer, if possible, for  
19 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
20 Defendants object to this request on the basis that Defendants' burden associated with responding  
21 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
22 through this request, especially because the available documents, data and other information from  
23 which the answer, if any, could be derived in response to this request have been produced by  
24 Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available  
25 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and  
26 without waiving the foregoing objections and qualifications, Defendants respond as follows:

27 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
28 information Defendants currently know or can readily obtain, Defendants have insufficient

1 information to admit or deny this request.

2 **REQUEST FOR ADMISSION NO. 592:**

3 Admit that TN's process for determining its "source groups" (as the term is used in  
4 Requests Nos. 576-579) more often than not involved in part comparing the maintenance end  
5 dates of when Customers informed TN they had terminated PeopleSoft or Oracle support.

6 **RESPONSE TO REQUEST FOR ADMISSION NO. 592:**

7 Defendants object to this request on the grounds stated in the General Objections and  
8 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
9 respect to the information sought in this request because Defendants SAP AG and SAP America  
10 have no additional knowledge separate and apart from the information provided by Defendant  
11 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
12 "process," "more often than not," and "source groups" are subject to multiple meanings and, as  
13 such, are overly broad, vague, and ambiguous. Defendants object to the phrase "comparing the  
14 maintenance end dates of when customers informed TN they had terminated PeopleSoft or Oracle  
15 support" as vague and confusing. Further, as noted above, Request Nos. 576-579 refer to Exhibit  
16 B which lists the names of master fixes as that term was used by TomorrowNow in the SAS  
17 database. The master fixes are not the actual objects that are developed for TomorrowNow  
18 customers. Master master fixes are records that simply identify problems for which  
19 TomorrowNow generally developed objects to resolve. The object development often took place  
20 at the release level, source level, and customer level. If this request is actually asking for  
21 information related to the process with regard to each and every object TomorrowNow developed,  
22 this number is more in line with the 33,185 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set  
23 of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this  
24 question, Defendants would have to analyze each individual object in each fix or update  
25 contained within each master fix. Defendants, therefore, object to this request as compound and  
26 unduly burdensome in that this request seeks information and activities that (1) involved many  
27 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
28 would require Defendants to review substantial business records to determine an answer, if

1 possible, for each of the numerous numbers of objects contained within the fixes and updates, and  
2 Defendants' burden in doing so would be substantially similar to the burden for Plaintiffs to do so  
3 given that the available information is at least as equally accessible to Plaintiffs as it is to  
4 Defendants.

5 Subject to the General Objections and Responses and these specific objections, after a  
6 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
7 sufficient knowledge and information to either admit or deny these requests, as the information  
8 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
9 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

10 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 592:**

11 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
12 General Objections noted above. Defendants' response is based solely on Defendant  
13 TomorrowNow's knowledge with respect to the information sought in this request because  
14 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
15 information provided by Defendant TomorrowNow in this response. Defendants object to the  
16 request because the terms "process" and "source groups" are capable of multiple meanings and  
17 thus, make this request overly broad, vague and ambiguous. Defendants object to the phrase  
18 "comparing the maintenance end dates of when customers informed TN they had terminated  
19 PeopleSoft or Oracle support" as vague and confusing. Further, as noted above, Request Nos.  
20 576-579 refer to Exhibit B which lists the names of "master fixes" as that phrase was used by  
21 TomorrowNow in the SAS database. TomorrowNow's "master fixes" are not the actual objects  
22 included in fixes or updates that are developed for TomorrowNow's customers. "Master fixes"  
23 and "master bundles" are records that describe the issue to be addressed and then serve as a  
24 record keeping device and reference for that issue and related activity TomorrowNow undertook  
25 to address that issue. The actual development of customer-specific objects included in customer-  
26 specific fixes and updates was referenced to a "master bundle" or "master fix" record for  
27 identification and record keeping purposes. Thus, if this request seeks an admission related to  
28 each and every object related to each and every customer-specific fix or update that

1 TomorrowNow developed, then this single request impermissibly seeks literally thousands of  
2 admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects  
3 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG,  
4 SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
5 request, Defendants would have to analyze each individual object in each fix or update contained  
6 within each master bundle. Defendants, therefore, object on the basis that this request is  
7 compound, overly broad and unduly burdensome because it seeks an admission regarding  
8 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
9 numerous employees, (3) took place over several years, and (4) would require Defendants to  
10 review enormous volumes of business records to attempt to determine an answer, if possible, for  
11 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
12 Defendants object to this request on the basis that Defendants' burden associated with responding  
13 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
14 through this request, especially because the available documents, data and other information from  
15 which the answer, if any, could be derived in response to this request have been produced by  
16 Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available  
17 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and  
18 without waiving the foregoing objections and qualifications, Defendants respond as follows:

19 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
20 information Defendants currently know or can readily obtain, Defendants have insufficient  
21 information to admit or deny this request.

22 **REQUEST FOR ADMISSION NO. 593:**

23 Admit that TN's process for determining its "source groups" (as the term is used in  
24 Requests Nos. 576-579) generally involved in part comparing the maintenance end dates of when  
25 Customers informed TN they had terminated PeopleSoft or Oracle support.

26 **RESPONSE TO REQUEST FOR ADMISSION NO. 593:**

27 Defendants object to this request on the grounds stated in the General Objections and  
28 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with

1 respect to the information sought in this request because Defendants SAP AG and SAP America  
2 have no additional knowledge separate and apart from the information provided by Defendant  
3 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
4 “process,” “generally,” and “source groups” are subject to multiple meanings and, as such, are  
5 overly broad, vague, and ambiguous. Defendants object to the phrase “comparing the  
6 maintenance end dates of when customers informed TN they had terminated PeopleSoft or Oracle  
7 support” as vague and confusing. Further, as noted above, Request Nos. 576-579 refer to Exhibit  
8 B which lists the names of master fixes as that term was used by TomorrowNow in the SAS  
9 database. The master fixes are not the actual objects that are developed for TomorrowNow  
10 customers. Master fixes are records that simply identify problems for which TomorrowNow  
11 generally developed objects to resolve. The object development often took place at the release  
12 level, source level, and customer level. If this request is actually asking for information related to  
13 the process with regard to each and every object TomorrowNow developed, this number is more  
14 in line with the 33,185 listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for  
15 Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this question,  
16 Defendants would have to analyze each individual object in each fix or update contained within  
17 each master fix. Defendants, therefore, object to this request as compound and unduly  
18 burdensome in that this request seeks information and activities that (1) involved many thousands  
19 of objects, (2) involved numerous employees, (3) took place over several years, and (4) would  
20 require Defendants to review substantial business records to determine an answer, if possible, for  
21 each of the numerous numbers of objects contained within the fixes and updates, and Defendants’  
22 burden in doing so would be substantially similar to the burden for Plaintiffs to do so given that  
23 the available information is at least as equally accessible to Plaintiffs as it is to Defendants.

24 Subject to the General Objections and Responses and these specific objections, after a  
25 reasonable inquiry and based on Defendants’ understanding of these questions, Defendants lack  
26 sufficient knowledge and information to either admit or deny these requests, as the information  
27 sought was not tracked, recorded, or maintained by TomorrowNow in a “readily obtainable  
28 manner.” Based on all of the reasons and objections stated above, these requests are DENIED.

**AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 593:**

Defendants incorporate by reference, as if fully set forth herein, all of Defendants' General Objections noted above. Defendants' response is based solely on Defendant TomorrowNow's knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant TomorrowNow in this response. Defendants object to the request because the terms "process," "generally," and "source groups" are capable of multiple meanings and thus, make this request overly broad, vague and ambiguous. Defendants object to the phrase "comparing the maintenance end dates of when customers informed TN they had terminated PeopleSoft or Oracle support" as vague and confusing. Further, as noted above, Request Nos. 576-579 refer to Exhibit B which lists the names of "master fixes" as that phrase was used by TomorrowNow in the SAS database. TomorrowNow's "master fixes" are not the actual objects included in fixes or updates that are developed for TomorrowNow's customers. "Master fixes" and "master bundles" are records that describe the issue to be addressed and then serve as a record keeping device and reference for that issue and related activity TomorrowNow undertook to address that issue. The actual development of customer-specific objects included in customer-specific fixes and updates was referenced to a "master bundle" or "master fix" record for identification and record keeping purposes. Thus, if this request seeks an admission related to each and every object related to each and every customer-specific fix or update that TomorrowNow developed, then this single request impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this request, Defendants would have to analyze each individual object in each fix or update contained within each master bundle. Defendants, therefore, object on the basis that this request is compound, overly broad and unduly burdensome because it seeks an admission regarding thousands of separate activities that (1) involved many thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4) would require Defendants to

1 review enormous volumes of business records to attempt to determine an answer, if possible, for  
2 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
3 Defendants object to this request on the basis that Defendants' burden associated with responding  
4 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
5 through this request, especially because the available documents, data and other information from  
6 which the answer, if any, could be derived in response to this request have been produced by  
7 Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available  
8 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and  
9 without waiving the foregoing objections and qualifications, Defendants respond as follows:

10 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
11 information Defendants currently know or can readily obtain, Defendants have insufficient  
12 information to admit or deny this request.

13 **REQUEST FOR ADMISSION NO. 594:**

14 Admit that TN's process for determining its "source groups" (as the term is used in  
15 Requests Nos. 576-579) sometimes involved in part comparing the maintenance end dates of  
16 when Customers informed TN they had terminated PeopleSoft or Oracle support.

17 **RESPONSE TO REQUEST FOR ADMISSION NO. 594:**

18 Defendants object to this request on the grounds stated in the General Objections and  
19 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
20 respect to the information sought in this request because Defendants SAP AG and SAP America  
21 have no additional knowledge separate and apart from the information provided by Defendant  
22 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
23 "process," "sometimes," and "source groups" are subject to multiple meanings and, as such, are  
24 overly broad, vague, and ambiguous. Defendants object to the phrase "comparing the  
25 maintenance end dates of when customers informed TN they had terminated PeopleSoft or Oracle  
26 support" as vague and confusing. Further, as noted above, Request Nos. 576-579 refer to Exhibit  
27 B which lists the names of master fixes as that term was used by TomorrowNow in the SAS  
28 database. The master fixes are not the actual objects that are developed for TomorrowNow



1 customers. Master fixes are records that simply identify problems for which TomorrowNow  
2 generally developed objects to resolve. The object development often took place at the release  
3 level, source level, and customer level. If this request is actually asking for information related to  
4 the process with regard to each and every object TomorrowNow developed, this number is more  
5 in line with the 33,185 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for  
6 Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this question,  
7 Defendants would have to analyze each individual object in each fix or update contained within  
8 each master fix. Defendants, therefore, object to this request as compound and unduly  
9 burdensome in that this request seeks information and activities that (1) involved many thousands  
10 of objects, (2) involved numerous employees, (3) took place over several years, and (4) would  
11 require Defendants to review substantial business records to determine an answer, if possible, for  
12 each of the numerous numbers of objects contained within the fixes and updates, and Defendants'  
13 burden in doing so would be substantially similar to the burden for Plaintiffs to do so given that  
14 the available information is at least as equally accessible to Plaintiffs as it is to Defendants.

15 Subject to the General Objections and Responses and these specific objections, after a  
16 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
17 sufficient knowledge and information to either admit or deny these requests, as the information  
18 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
19 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

20 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 594:**

21 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
22 General Objections noted above. Defendants' response is based solely on Defendant  
23 TomorrowNow's knowledge with respect to the information sought in this request because  
24 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
25 information provided by Defendant TomorrowNow in this response. Defendants object to the  
26 request because the terms "process," "sometimes," and "source groups" are capable of multiple  
27 meanings and thus, make this request overly broad, vague and ambiguous. Defendants object to  
28 the phrase "comparing the maintenance end dates of when customers informed TN they had

1 terminated PeopleSoft or Oracle support” as vague and confusing. Further, as noted above,  
2 Request Nos. 576-579 refer to Exhibit B which lists the names of “master fixes” as that phrase  
3 was used by TomorrowNow in the SAS database. TomorrowNow’s “master fixes” are not the  
4 actual objects included in fixes or updates that are developed for TomorrowNow’s customers.  
5 “Master fixes” and “master bundles” are records that describe the issue to be addressed and then  
6 serve as a record keeping device and reference for that issue and related activity TomorrowNow  
7 undertook to address that issue. The actual development of customer-specific objects included in  
8 customer-specific fixes and updates was referenced to a “master bundle” or “master fix” record  
9 for identification and record keeping purposes. Thus, if this request seeks an admission related to  
10 each and every object related to each and every customer-specific fix or update that  
11 TomorrowNow developed, then this single request impermissibly seeks literally thousands of  
12 admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects  
13 listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for Admissions to SAP AG,  
14 SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
15 request, Defendants would have to analyze each individual object in each fix or update contained  
16 within each master bundle. Defendants, therefore, object on the basis that this request is  
17 compound, overly broad and unduly burdensome because it seeks an admission regarding  
18 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
19 numerous employees, (3) took place over several years, and (4) would require Defendants to  
20 review enormous volumes of business records to attempt to determine an answer, if possible, for  
21 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
22 Defendants object to this request on the basis that Defendants’ burden associated with responding  
23 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
24 through this request, especially because the available documents, data and other information from  
25 which the answer, if any, could be derived in response to this request have been produced by  
26 Defendants in response to Plaintiffs’ other discovery requests and thus any relevant, available  
27 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and  
28 without waiving the foregoing objections and qualifications, Defendants respond as follows:

1 ADMITTED on the following qualified basis: TomorrowNow reasonably believes that  
2 TomorrowNow employees sometimes (meaning more than once) determined if the object could  
3 be developed at the release level for a specific group of customers within a release level or on a  
4 customer-by-customer basis by in part comparing the respective customers' maintenance end  
5 dates (meaning the specific maintenance end date that a TomorrowNow customer informed  
6 TomorrowNow was the date on which that customer was no longer receiving maintenance  
7 support from PeopleSoft or Oracle). To the extent not admitted, this request is DENIED.

8 **REQUEST FOR ADMISSION NO. 595:**

9 Admit that for each Fix or Update listed in Exhibit B, TN Developed the Fix or Update  
10 once per "source group" (as the term is used in Requests Nos. 576-579), in part by using a Local  
11 Environment installed from media originally provided by one Customer within the source group.

12 **RESPONSE TO REQUEST FOR ADMISSION NO. 595:**

13 Defendants object to this request on the grounds stated in the General Objections and  
14 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
15 respect to the information sought in this request because Defendants SAP AG and SAP America  
16 have no additional knowledge separate and apart from the information provided by Defendant  
17 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
18 "Fix," "Update," "developed," "source group," "using," and "local environment" are subject to  
19 multiple meanings and, as such, are overly broad, vague, and ambiguous. Defendants object to  
20 the phrase "using a local environment installed from media originally provided by one customer  
21 within the source group" as being subject to multiple meanings and, as such, being vague and  
22 ambiguous. Further, as noted above, Request Nos. 576-579 refer to Exhibit B which lists the  
23 names of master fixes as that term was used by TomorrowNow in the SAS database. The master  
24 fixes are not the actual objects that are developed for TomorrowNow customers. Master fixes are  
25 records that simply identify problems for which TomorrowNow generally developed objects to  
26 resolve. The object development often took place at the release level, source level, and customer  
27 level. If this request is actually asking for information related to each and every object  
28 TomorrowNow developed, this number is more in line with the 33,185 listed in Plaintiffs' Exhibit

1 D to Plaintiffs' Third Set of Requests for Admissions to SAP AG, SAP America, and  
2 TomorrowNow. To respond to this question, Defendants would have to analyze each individual  
3 object in each fix or update contained within each master fix. Defendants, therefore, object to this  
4 request as compound and unduly burdensome in that this request seeks information and activities  
5 that (1) involved many thousands of objects, (2) involved numerous employees, (3) took place  
6 over several years, and (4) would require Defendants to review substantial business records to  
7 determine an answer, if possible, for each of the numerous numbers of objects contained within  
8 the fixes and updates, and Defendants' burden in doing so would be substantially similar to the  
9 burden for Plaintiffs to do so given that the available information is at least as equally accessible  
10 to Plaintiffs as it is to Defendants.

11 Subject to the General Objections and Responses and these specific objections, after a  
12 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
13 sufficient knowledge and information to either admit or deny these requests, as the information  
14 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
15 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

16 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 595:**

17 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
18 General Objections noted above. Defendants' response is based solely on Defendant  
19 TomorrowNow's knowledge with respect to the information sought in this request because  
20 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
21 information provided by Defendant TomorrowNow in this response. Defendants object to the  
22 request because the terms "fix," "update," "source group," "using," and "local environment" are  
23 capable of multiple meanings and thus, make this request overly broad, vague and ambiguous.  
24 Defendants object to the phrase "using a local environment installed from media originally  
25 provided by one customer within the source group" as being subject to multiple meanings and, as  
26 such, being vague and ambiguous. Further, as noted above, Request Nos. 576-579 refer to  
27 Exhibit B which lists the names of "master fixes" as that phrase was used by TomorrowNow in  
28 the SAS database. TomorrowNow's "master fixes" are not the actual objects included in fixes or

1 updates that are developed for TomorrowNow's customers. "Master fixes" and "master bundles"  
2 are records that describe the issue to be addressed and then serve as a record keeping device and  
3 reference for that issue and related activity TomorrowNow undertook to address that issue. The  
4 actual development of customer-specific objects included in customer-specific fixes and updates  
5 was referenced to a "master bundle" or "master fix" record for identification and record keeping  
6 purposes. Thus, if this request seeks an admission related to each and every object related to each  
7 and every customer-specific fix or update that TomorrowNow developed, then this single request  
8 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
9 impermissibly seek regarding the 33,185 objects listed in Plaintiffs' Exhibit D to Plaintiffs' Third  
10 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
11 intent of this request, then to respond to this request, Defendants would have to analyze each  
12 individual object in each fix or update contained within each master bundle. Defendants,  
13 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
14 because it seeks an admission regarding thousands of separate activities that (1) involved many  
15 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
16 would require Defendants to review enormous volumes of business records to attempt to  
17 determine an answer, if possible, for each of the numerous objects contained within the  
18 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
19 Defendants' burden associated with responding to this request is substantially similar to the  
20 burden for Plaintiffs to obtain the information sought through this request, especially because the  
21 available documents, data and other information from which the answer, if any, could be derived  
22 in response to this request have been produced by Defendants in response to Plaintiffs' other  
23 discovery requests and thus any relevant, available information is now as equally accessible to  
24 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
25 qualifications, Defendants respond as follows:

26 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
27 information Defendants currently know or can readily obtain, Defendants have insufficient  
28 information to admit or deny this request.

1 **REQUEST FOR ADMISSION NO. 596:**

2 Admit that for the majority of Fixes or Updates listed in Exhibit B, TN Developed the Fix  
3 or Update once per “source group” (as the term is used in Requests Nos. 576-579), in part by  
4 using a Local Environment installed from media originally provided by one Customer within the  
5 source group.

6 **RESPONSE TO REQUEST FOR ADMISSION NO. 596:**

7 Defendants object to this request on the grounds stated in the General Objections and  
8 Responses. Defendants’ response is based solely on Defendant TomorrowNow’s knowledge with  
9 respect to the information sought in this request because Defendants SAP AG and SAP America  
10 have no additional knowledge separate and apart from the information provided by Defendant  
11 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
12 “Fix(es),” “Updates,” “majority,” “developed,” “source group,” “using,” and “local environment”  
13 are subject to multiple meanings and, as such, are overly broad, vague, and ambiguous.  
14 Defendants object to the phrase “using a local environment installed from media originally  
15 provided by one customer within the source group” as being subject to multiple meanings and, as  
16 such, being vague and ambiguous. Further, as noted above, Request Nos. 576-579 refer to  
17 Exhibit B which lists the names of master fixes as that term was used by TomorrowNow in the  
18 SAS database. The master fixes are not the actual objects that are developed for TomorrowNow  
19 customers. Master fixes are records that simply identify problems for which TomorrowNow  
20 generally developed objects to resolve. The object development often took place at the release  
21 level, source level, and customer level. If this request is actually asking for information related to  
22 each and every object TomorrowNow developed, this number is more in line with the 33,185  
23 listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for Admissions to SAP AG,  
24 SAP America, and TomorrowNow. To respond to this question, Defendants would have to  
25 analyze each individual object in each fix or update contained within each master fix. Defendants,  
26 therefore, object to this request as compound and unduly burdensome in that this request seeks  
27 information and activities that (1) involved many thousands of objects, (2) involved numerous  
28 employees, (3) took place over several years, and (4) would require Defendants to review

1 substantial business records to determine an answer, if possible, for each of the numerous  
2 numbers of objects contained within the fixes and updates, and Defendants' burden in doing so  
3 would be substantially similar to the burden for Plaintiffs to do so given that the available  
4 information is at least as equally accessible to Plaintiffs as it is to Defendants.

5 Subject to the General Objections and Responses and these specific objections, after a  
6 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
7 sufficient knowledge and information to either admit or deny these requests, as the information  
8 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
9 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

10 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 596:**

11 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
12 General Objections noted above. Defendants' response is based solely on Defendant  
13 TomorrowNow's knowledge with respect to the information sought in this request because  
14 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
15 information provided by Defendant TomorrowNow in this response. Defendants object to the  
16 request because the terms "fix," "update," "source group," "using," and "local environment" are  
17 capable of multiple meanings and thus, make this request overly broad, vague and ambiguous.  
18 Defendants object to the phrase "using a local environment installed from media originally  
19 provided by one customer within the source group" as being subject to multiple meanings and, as  
20 such, being vague and ambiguous. Further, as noted above, Request Nos. 576-579 refer to  
21 Exhibit B which lists the names of "master fixes" as that phrase was used by TomorrowNow in  
22 the SAS database. TomorrowNow's "master fixes" are not the actual objects included in fixes or  
23 updates that are developed for TomorrowNow's customers. "Master fixes" and "master bundles"  
24 are records that describe the issue to be addressed and then serve as a record keeping device and  
25 reference for that issue and related activity TomorrowNow undertook to address that issue. The  
26 actual development of customer-specific objects included in customer-specific fixes and updates  
27 was referenced to a "master bundle" or "master fix" record for identification and record keeping  
28 purposes. Thus, if this request seeks an admission related to each and every object related to each

1 and every customer-specific fix or update that TomorrowNow developed, then this single request  
2 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
3 impermissibly seek regarding the 33,185 objects listed in Plaintiffs' Exhibit D to Plaintiffs' Third  
4 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
5 intent of this request, then to respond to this request, Defendants would have to analyze each  
6 individual object in each fix or update contained within each master bundle. Defendants,  
7 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
8 because it seeks an admission regarding thousands of separate activities that (1) involved many  
9 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
10 would require Defendants to review enormous volumes of business records to attempt to  
11 determine an answer, if possible, for each of the numerous objects contained within the  
12 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
13 Defendants' burden associated with responding to this request is substantially similar to the  
14 burden for Plaintiffs to obtain the information sought through this request, especially because the  
15 available documents, data and other information from which the answer, if any, could be derived  
16 in response to this request have been produced by Defendants in response to Plaintiffs' other  
17 discovery requests and thus any relevant, available information is now as equally accessible to  
18 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
19 qualifications, Defendants respond as follows:

20 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
21 information Defendants currently know or can readily obtain, Defendants have insufficient  
22 information to admit or deny this request.

23 **REQUEST FOR ADMISSION NO. 597:**

24 Admit that for some Fixes or Updates listed in Exhibit B, TN Developed the Fix or  
25 Update once per "source group" (as the term is used in Requests Nos. 576-579), in part by using a  
26 Local Environment installed from media originally provided by one Customer within the source  
27 group.

28



**RESPONSE TO REQUEST FOR ADMISSION NO. 597:**

Defendants object to this request on the grounds stated in the General Objections and Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant TomorrowNow in this response. Defendants object to the request because the terms and phrases "Fix(es)," "Updates," "developed," "source group," "using," "some," and "local environment" are subject to multiple meanings and, as such, are overly broad, vague, and ambiguous. Defendants object to the phrase "using a local environment installed from media originally provided by one customer within the source group" as being subject to multiple meanings and, as such, being vague and ambiguous. Further, as noted above, Request Nos. 576-579 refer to Exhibit B which lists the names of master fixes as that term was used by TomorrowNow in the SAS database. The master fixes are not the actual objects that are developed for TomorrowNow customers. Master fixes are records that simply identify problems for which TomorrowNow generally developed objects to resolve. The object development often took place at the release level, source level, and customer level. If this request is actually asking for information related to each and every object TomorrowNow developed, this number is more in line with the 33,185 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this question, Defendants would have to analyze each individual object in each fix or update contained within each master fix. Defendants, therefore, object to this request as compound and unduly burdensome in that this request seeks information and activities that (1) involved many thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4) would require Defendants to review substantial business records to determine an answer, if possible, for each of the numerous numbers of objects contained within the fixes and updates, and Defendants' burden in doing so would be substantially similar to the burden for Plaintiffs to do so given that the available information is at least as equally accessible to Plaintiffs as it is to Defendants.

Subject to the General Objections and Responses and these specific objections, after a

1 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
2 sufficient knowledge and information to either admit or deny these requests, as the information  
3 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
4 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

5 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 597:**

6 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
7 General Objections noted above. Defendants' response is based solely on Defendant  
8 TomorrowNow's knowledge with respect to the information sought in this request because  
9 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
10 information provided by Defendant TomorrowNow in this response. Defendants object to the  
11 request because the terms "fix(es)," "update(s)," "source group," "using," and "local  
12 environment" are capable of multiple meanings and thus, make this request overly broad, vague  
13 and ambiguous. Defendants object to the phrase "using a local environment installed from media  
14 originally provided by one customer within the source group" as being subject to multiple  
15 meanings and, as such, being vague and ambiguous. Further, as noted above, Request Nos. 576-  
16 579 refer to Exhibit B which lists the names of "master fixes" as that phrase was used by  
17 TomorrowNow in the SAS database. TomorrowNow's "master fixes" are not the actual objects  
18 included in fixes or updates that are developed for TomorrowNow's customers. "Master fixes"  
19 and "master bundles" are records that describe the issue to be addressed and then serve as a  
20 record keeping device and reference for that issue and related activity TomorrowNow undertook  
21 to address that issue. The actual development of customer-specific objects included in customer-  
22 specific fixes and updates was referenced to a "master bundle" or "master fix" record for  
23 identification and record keeping purposes. Thus, if this request seeks an admission related to  
24 each and every object related to each and every customer-specific fix or update that  
25 TomorrowNow developed, then this single request impermissibly seeks literally thousands of  
26 admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects  
27 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG,  
28 SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this

1 request, Defendants would have to analyze each individual object in each fix or update contained  
 2 within each master bundle. Defendants, therefore, object on the basis that this request is  
 3 compound, overly broad and unduly burdensome because it seeks an admission regarding  
 4 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
 5 numerous employees, (3) took place over several years, and (4) would require Defendants to  
 6 review enormous volumes of business records to attempt to determine an answer, if possible, for  
 7 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
 8 Defendants object to this request on the basis that Defendants' burden associated with responding  
 9 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
 10 through this request, especially because the available documents, data and other information from  
 11 which the answer, if any, could be derived in response to this request have been produced by  
 12 Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available  
 13 information is now as equally accessible to Plaintiffs as it is to Defendants. Further, in providing  
 14 this response, Defendants are defining "some" as "more than one" as suggested by Plaintiffs in  
 15 their August 10, 2009 meet and confer letter. Subject to and without waiving the foregoing  
 16 objections and qualifications, Defendants respond as follows:

17 ADMITTED on the following qualified basis: Some of the objects (meaning more than  
 18 one object) associated with the master fix records referenced in Exhibit B were developed once  
 19 for a specific group of customers within a release level in part by using environment components  
 20 installed from media provided by a specific TomorrowNow customer within that specific group.  
 21 To the extent not admitted, this request is DENIED.

22 **REQUEST FOR ADMISSION NO. 598:**

23 Admit that for at least one Fix or Update listed in Exhibit B, TN Developed the Fix or  
 24 Update once per "source group" (as the term is used in Requests Nos. 576-579), in part by using a  
 25 Local Environment installed from media originally provided by one Customer within the source  
 26 group.

27 **RESPONSE TO REQUEST FOR ADMISSION NO. 598:**

28 Defendants object to this request on the grounds stated in the General Objections and

1 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
2 respect to the information sought in this request because Defendants SAP AG and SAP America  
3 have no additional knowledge separate and apart from the information provided by Defendant  
4 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
5 "Fix," "Update," "developed," "source group," "using," and "local environment" are subject to  
6 multiple meanings and, as such, are overly broad, vague, and ambiguous. Defendants object to  
7 the phrase "using a local environment installed from media originally provided by one customer  
8 within the source group" as being subject to multiple meanings and, as such, being vague and  
9 ambiguous. Further, as noted above, Request Nos. 576-579 refer to Exhibit B which lists the  
10 names of master fixes as that term was used by TomorrowNow in the SAS database. The master  
11 fixes are not the actual objects that are developed for TomorrowNow customers. Master fixes are  
12 records that simply identify problems for which TomorrowNow generally developed objects to  
13 resolve. The object development often took place at the release level, source level, and customer  
14 level. If this request is actually asking for information related to each and every object  
15 TomorrowNow developed, this number is more in line with the 33,185 listed in Plaintiffs' Exhibit  
16 D to Plaintiffs' Third Set of Requests for Admissions to SAP AG, SAP America, and  
17 TomorrowNow. To respond to this question, Defendants would have to analyze each individual  
18 object in each fix or update contained within each master fix. Defendants, therefore, object to this  
19 request as compound and unduly burdensome in that this request seeks information and activities  
20 that (1) involved many thousands of objects, (2) involved numerous employees, (3) took place  
21 over several years, and (4) would require Defendants to review substantial business records to  
22 determine an answer, if possible, for each of the numerous numbers of objects contained within  
23 the fixes and updates, and Defendants' burden in doing so would be substantially similar to the  
24 burden for Plaintiffs to do so given that the available information is at least as equally accessible  
25 to Plaintiffs as it is to Defendants.

26 Subject to the General Objections and Responses and these specific objections, after a  
27 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
28 sufficient knowledge and information to either admit or deny these requests, as the information

1 sought was not tracked, recorded, or maintained by TomorrowNow in a “readily obtainable  
2 manner.” Based on all of the reasons and objections stated above, these requests are DENIED.

3 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 598:**

4 Defendants incorporate by reference, as if fully set forth herein, all of Defendants’  
5 General Objections noted above. Defendants’ response is based solely on Defendant  
6 TomorrowNow’s knowledge with respect to the information sought in this request because  
7 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
8 information provided by Defendant TomorrowNow in this response. Defendants object to the  
9 request because the terms “fix,” “update,” “source group,” “using,” and “local environment” are  
10 capable of multiple meanings and thus, make this request overly broad, vague and ambiguous.  
11 Defendants object to the phrase “using a local environment installed from media originally  
12 provided by one customer within the source group” as being subject to multiple meanings and, as  
13 such, being vague and ambiguous. Further, as noted above, Request Nos. 576-579 refer to  
14 Exhibit B which lists the names of “master fixes” as that phrase was used by TomorrowNow in  
15 the SAS database. TomorrowNow’s “master fixes” are not the actual objects included in fixes or  
16 updates that are developed for TomorrowNow’s customers. “Master fixes” and “master bundles”  
17 are records that describe the issue to be addressed and then serve as a record keeping device and  
18 reference for that issue and related activity TomorrowNow undertook to address that issue. The  
19 actual development of customer-specific objects included in customer-specific fixes and updates  
20 was referenced to a “master bundle” or “master fix” record for identification and record keeping  
21 purposes. Thus, if this request seeks an admission related to each and every object related to each  
22 and every customer-specific fix or update that TomorrowNow developed, then this single request  
23 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
24 impermissibly seek regarding the 33,185 objects listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third  
25 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
26 intent of this request, then to respond to this request, Defendants would have to analyze each  
27 individual object in each fix or update contained within each master bundle. Defendants,  
28 therefore, object on the basis that this request is compound, overly broad and unduly burdensome

1 because it seeks an admission regarding thousands of separate activities that (1) involved many  
2 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
3 would require Defendants to review enormous volumes of business records to attempt to  
4 determine an answer, if possible, for each of the numerous objects contained within the  
5 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
6 Defendants' burden associated with responding to this request is substantially similar to the  
7 burden for Plaintiffs to obtain the information sought through this request, especially because the  
8 available documents, data and other information from which the answer, if any, could be derived  
9 in response to this request have been produced by Defendants in response to Plaintiffs' other  
10 discovery requests and thus any relevant, available information is now as equally accessible to  
11 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
12 qualifications, Defendants respond as follows:

13 ADMITTED on the following qualified basis: At least one of the objects associated with  
14 the master fix records referenced in Exhibit B were developed once for a specific group of  
15 customers within a release level in part by using environment components installed from media  
16 provided by a specific TomorrowNow customer within that specific group. To the extent not  
17 admitted, this request is DENIED.

18 **REQUEST FOR ADMISSION NO. 599:**

19 Admit that for each Fix or Update listed in Exhibit B, where TN determined that any  
20 given release did not require a "source group" division (as the term is used in Requests Nos.  
21 576-579), TN used a Local Environment installed from media originally provided by one  
22 Customer to Develop the Fix or Update for all Customers on that release.

23 **RESPONSE TO REQUEST FOR ADMISSION NO. 599:**

24 Defendants object to this request on the grounds stated in the General Objections and  
25 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
26 respect to the information sought in this request because Defendants SAP AG and SAP America  
27 have no additional knowledge separate and apart from the information provided by Defendant  
28 TomorrowNow in this response. Defendants object to the request because the terms and phrases

1 “Fix,” “Update,” “source group,” “used,” “develop,” and “local environment” are overly broad,  
2 vague, and ambiguous. Defendants object to the phrase “TN determined that any given release  
3 did not require a ‘source group’ division” as being subject to multiple meanings and, as such,  
4 being vague and ambiguous. Further, Exhibit B lists the names of master fixes as that term was  
5 used by TomorrowNow in the SAS database. The master fixes are not the actual objects that are  
6 developed for TomorrowNow customers. Master fixes are records that simply identify problems  
7 for which TomorrowNow generally developed objects to resolve. The object development often  
8 took place at the release level, source level, and customer level. If this request is actually asking  
9 for information related to each and every object TomorrowNow developed, this number is more  
10 in line with the 33,185 listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for  
11 Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this question,  
12 Defendants would have to analyze each individual object in each fix or update contained within  
13 each master fix. Defendants, therefore, object to this request as compound and unduly  
14 burdensome in that this request seeks information and activities that (1) involved many thousands  
15 of objects, (2) involved numerous employees, (3) took place over several years, and (4) would  
16 require Defendants to review substantial business records to determine an answer, if possible, for  
17 each of the numerous numbers of objects contained within the fixes and updates, and Defendants’  
18 burden in doing so would be substantially similar to the burden for Plaintiffs to do so given that  
19 the available information is at least as equally accessible to Plaintiffs as it is to Defendants.

20 Subject to the General Objections and Responses and these specific objections, after a  
21 reasonable inquiry and based on Defendants’ understanding of these questions, Defendants lack  
22 sufficient knowledge and information to either admit or deny these requests, as the information  
23 sought was not tracked, recorded, or maintained by TomorrowNow in a “readily obtainable  
24 manner.” Based on all of the reasons and objections stated above, these requests are DENIED.

25 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 599:**

26 Defendants incorporate by reference, as if fully set forth herein, all of Defendants’  
27 General Objections noted above. Defendants’ response is based solely on Defendant  
28 TomorrowNow’s knowledge with respect to the information sought in this request because

1 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
2 information provided by Defendant TomorrowNow in this response. Defendants object to the  
3 request because the terms “fix,” “update,” “source group,” “used,” and “local environment” are  
4 capable of multiple meanings and thus, make this request overly broad, vague and ambiguous.  
5 Defendants object to the phrase “TN determined that any given release did not require a ‘source  
6 group’ division” as being subject to multiple meanings and, as such, being vague and ambiguous.  
7 Further, Exhibit B lists the names of “master fixes” as that phrase was used by TomorrowNow in  
8 the SAS database. TomorrowNow’s “master fixes” are not the actual objects included in fixes or  
9 updates that are developed for TomorrowNow’s customers. “Master fixes” and “master bundles”  
10 are records that describe the issue to be addressed and then serve as a record keeping device and  
11 reference for that issue and related activity TomorrowNow undertook to address that issue. The  
12 actual development of customer-specific objects included in customer-specific fixes and updates  
13 was referenced to a “master bundle” or “master fix” record for identification and record keeping  
14 purposes. Thus, if this request seeks an admission related to each and every object related to each  
15 and every customer-specific fix or update that TomorrowNow developed, then this single request  
16 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
17 impermissibly seek regarding the 33,185 objects listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third  
18 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
19 intent of this request, then to respond to this request, Defendants would have to analyze each  
20 individual object in each fix or update contained within each master bundle. Defendants,  
21 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
22 because it seeks an admission regarding thousands of separate activities that (1) involved many  
23 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
24 would require Defendants to review enormous volumes of business records to attempt to  
25 determine an answer, if possible, for each of the numerous objects contained within the  
26 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
27 Defendants’ burden associated with responding to this request is substantially similar to the  
28 burden for Plaintiffs to obtain the information sought through this request, especially because the



1 available documents, data and other information from which the answer, if any, could be derived  
2 in response to this request have been produced by Defendants in response to Plaintiffs' other  
3 discovery requests and thus any relevant, available information is now as equally accessible to  
4 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
5 qualifications, Defendants respond as follows:

6 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
7 information Defendants currently know or can readily obtain, Defendants have insufficient  
8 information to admit or deny this request.

9 **REQUEST FOR ADMISSION NO. 600:**

10 Admit that for the majority of Fixes or Updates listed in Exhibit B, where TN determined  
11 that any given release did not require a "source group" division (as the term is used in Requests  
12 Nos. 576-579), TN used a Local Environment installed from media originally provided by one  
13 Customer to Develop the Fix or Update for all Customers on that release.

14 **RESPONSE TO REQUEST FOR ADMISSION NO. 600:**

15 Defendants object to this request on the grounds stated in the General Objections and  
16 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
17 respect to the information sought in this request because Defendants SAP AG and SAP America  
18 have no additional knowledge separate and apart from the information provided by Defendant  
19 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
20 "Fix(es)," "Updates," "majority," "source group," "used," "develop," and "local environment"  
21 are subject to multiple meanings and, as such, are overly broad, vague, and ambiguous.

22 Defendants object to the phrase "TN determined that any given release did not require a 'source  
23 group' division" as being subject to multiple meanings and, as such, being vague and ambiguous.  
24 Further, Exhibit B lists the names of master fixes as that term was used by TomorrowNow in the  
25 SAS database. The master fixes are not the actual objects that are developed for TomorrowNow  
26 customers. Master fixes are records that simply identify problems for which TomorrowNow  
27 generally developed objects to resolve. The object development often took place at the release  
28 level, source level, and customer level. If this request is actually asking for information related to

1 each and every object TomorrowNow developed, this number is more in line with the 33,185  
2 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG,  
3 SAP America, and TomorrowNow. To respond to this question, Defendants would have to  
4 analyze each individual object in each fix or update contained within each master fix. Defendants,  
5 therefore, object to this request as compound and unduly burdensome in that this request seeks  
6 information and activities that (1) involved many thousands of objects, (2) involved numerous  
7 employees, (3) took place over several years, and (4) would require Defendants to review  
8 substantial business records to determine an answer, if possible, for each of the numerous  
9 numbers of objects contained within the fixes and updates, and Defendants' burden in doing so  
10 would be substantially similar to the burden for Plaintiffs to do so given that the available  
11 information is at least as equally accessible to Plaintiffs as it is to Defendants.

12 Subject to the General Objections and Responses and these specific objections, after a  
13 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
14 sufficient knowledge and information to either admit or deny these requests, as the information  
15 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
16 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

17 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 600:**

18 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
19 General Objections noted above. Defendants' response is based solely on Defendant  
20 TomorrowNow's knowledge with respect to the information sought in this request because  
21 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
22 information provided by Defendant TomorrowNow in this response. Defendants object to the  
23 request because the terms "fix," "update," "source group," "used," and "local environment" are  
24 capable of multiple meanings and thus, make this request overly broad, vague and ambiguous.  
25 Defendants object to the phrase "TN determined that any given release did not require a 'source  
26 group' division" as being subject to multiple meanings and, as such, being vague and ambiguous.  
27 Further, Exhibit B lists the names of "master fixes" as that phrase was used by TomorrowNow in  
28 the SAS database. TomorrowNow's "master fixes" are not the actual objects included in fixes or

1 updates that are developed for TomorrowNow's customers. "Master fixes" and "master bundles"  
2 are records that describe the issue to be addressed and then serve as a record keeping device and  
3 reference for that issue and related activity TomorrowNow undertook to address that issue. The  
4 actual development of customer-specific objects included in customer-specific fixes and updates  
5 was referenced to a "master bundle" or "master fix" record for identification and record keeping  
6 purposes. Thus, if this request seeks an admission related to each and every object related to each  
7 and every customer-specific fix or update that TomorrowNow developed, then this single request  
8 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
9 impermissibly seek regarding the 33,185 objects listed in Plaintiffs' Exhibit D to Plaintiffs' Third  
10 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
11 intent of this request, then to respond to this request, Defendants would have to analyze each  
12 individual object in each fix or update contained within each master bundle. Defendants,  
13 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
14 because it seeks an admission regarding thousands of separate activities that (1) involved many  
15 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
16 would require Defendants to review enormous volumes of business records to attempt to  
17 determine an answer, if possible, for each of the numerous objects contained within the  
18 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
19 Defendants' burden associated with responding to this request is substantially similar to the  
20 burden for Plaintiffs to obtain the information sought through this request, especially because the  
21 available documents, data and other information from which the answer, if any, could be derived  
22 in response to this request have been produced by Defendants in response to Plaintiffs' other  
23 discovery requests and thus any relevant, available information is now as equally accessible to  
24 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
25 qualifications, Defendants respond as follows:

26 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
27 information Defendants currently know or can readily obtain, Defendants have insufficient  
28 information to admit or deny this request.

1 **REQUEST FOR ADMISSION NO. 601:**

2 Admit that for some Fixes or Updates listed in Exhibit B, where TN determined that any  
3 given release did not require a “source group” division (as the term is used in Requests Nos.  
4 576-579), TN used a Local Environment installed from media provided originally by one  
5 Customer to Develop the Fix or Update for all Customers on that release.

6 **RESPONSE TO REQUEST FOR ADMISSION NO. 601:**

7 Defendants object to this request on the grounds stated in the General Objections and  
8 Responses. Defendants’ response is based solely on Defendant TomorrowNow’s knowledge with  
9 respect to the information sought in this request because Defendants SAP AG and SAP America  
10 have no additional knowledge separate and apart from the information provided by Defendant  
11 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
12 “Fix(es),” “Updates,” “source group,” “used,” “develop,” “some,” and “local environment” are  
13 subject to multiple meanings and, as such, are overly broad, vague, and ambiguous. Defendants  
14 object to the phrase “TN determined that any given release did not require a ‘source group’  
15 division” as being subject to multiple meanings and, as such, being vague and ambiguous.  
16 Further, Exhibit B lists the names of master fixes as that term was used by TomorrowNow in the  
17 SAS database. The master fixes are not the actual objects that are developed for TomorrowNow  
18 customers. Master fixes are records that simply identify problems for which TomorrowNow  
19 generally developed objects to resolve. The object development often took place at the release  
20 level, source level, and customer level. If this request is actually asking for information related to  
21 each and every object TomorrowNow developed, this number is more in line with the 33,185  
22 listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for Admissions to SAP AG,  
23 SAP America, and TomorrowNow. To respond to this question, Defendants would have to  
24 analyze each individual object in each fix or update contained within each master fix. Defendants,  
25 therefore, object to this request as compound and unduly burdensome in that this request seeks  
26 information and activities that (1) involved many thousands of objects, (2) involved numerous  
27 employees, (3) took place over several years, and (4) would require Defendants to review  
28 substantial business records to determine an answer, if possible, for each of the numerous

1 numbers of objects contained within the fixes and updates, and Defendants' burden in doing so  
2 would be substantially similar to the burden for Plaintiffs to do so given that the available  
3 information is at least as equally accessible to Plaintiffs as it is to Defendants.

4 Subject to the General Objections and Responses and these specific objections, after a  
5 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
6 sufficient knowledge and information to either admit or deny these requests, as the information  
7 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
8 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

9 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 601:**

10 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
11 General Objections noted above. Defendants' response is based solely on Defendant  
12 TomorrowNow's knowledge with respect to the information sought in this request because  
13 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
14 information provided by Defendant TomorrowNow in this response. Defendants object to the  
15 request because the terms "fix," "update," "source group," "used," and "local environment" are  
16 capable of multiple meanings and thus, make this request overly broad, vague and ambiguous.  
17 Defendants object to the phrase "TN determined that any given release did not require a 'source  
18 group' division" as being subject to multiple meanings and, as such, being vague and ambiguous.  
19 Further, Exhibit B lists the names of "master fixes" as that phrase was used by TomorrowNow in  
20 the SAS database. TomorrowNow's "master fixes" are not the actual objects included in fixes or  
21 updates that are developed for TomorrowNow's customers. "Master fixes" and "master bundles"  
22 are records that describe the issue to be addressed and then serve as a record keeping device and  
23 reference for that issue and related activity TomorrowNow undertook to address that issue. The  
24 actual development of customer-specific objects included in customer-specific fixes and updates  
25 was referenced to a "master bundle" or "master fix" record for identification and record keeping  
26 purposes. Thus, if this request seeks an admission related to each and every object related to each  
27 and every customer-specific fix or update that TomorrowNow developed, then this single request  
28 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs

1 impermissibly seek regarding the 33,185 objects listed in Plaintiffs' Exhibit D to Plaintiffs' Third  
2 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
3 intent of this request, then to respond to this request, Defendants would have to analyze each  
4 individual object in each fix or update contained within each master bundle. Defendants,  
5 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
6 because it seeks an admission regarding thousands of separate activities that (1) involved many  
7 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
8 would require Defendants to review enormous volumes of business records to attempt to  
9 determine an answer, if possible, for each of the numerous objects contained within the  
10 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
11 Defendants' burden associated with responding to this request is substantially similar to the  
12 burden for Plaintiffs to obtain the information sought through this request, especially because the  
13 available documents, data and other information from which the answer, if any, could be derived  
14 in response to this request have been produced by Defendants in response to Plaintiffs' other  
15 discovery requests and thus any relevant, available information is now as equally accessible to  
16 Plaintiffs as it is to Defendants. Further, in providing this response, Defendants are defining  
17 "some" as "more than one" as suggested by Plaintiffs in their August 10, 2009 meet and confer  
18 letter. Subject to and without waiving the foregoing objections and qualifications, Defendants  
19 respond as follows:

20 ADMITTED on the following qualified basis: Some of the objects (meaning more than  
21 one object) associated with the master fix records referenced in Exhibit B were developed once  
22 per release level by using environment components installed from media provided by a specific  
23 TomorrowNow customer on that release and the object was provided to the TomorrowNow  
24 customers on that release that contracted with TomorrowNow for, and required, that object. To  
25 the extent not admitted, this request is DENIED.

26 **REQUEST FOR ADMISSION NO. 602:**

27 Admit that for at least one Fix or Update listed in Exhibit B, where TN determined that  
28 any given release did not require a "source group" division (as the term is used in Requests Nos.

1 576-579), TN used a Local Environment installed from media originally provided by one  
2 Customer to Develop the Fix or Update for all Customers on that release.

3 **RESPONSE TO REQUEST FOR ADMISSION NO. 602:**

4 Defendants object to this request on the grounds stated in the General Objections and  
5 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
6 respect to the information sought in this request because Defendants SAP AG and SAP America  
7 have no additional knowledge separate and apart from the information provided by Defendant  
8 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
9 "Fix," "Update," "source group," "used," "develop," and "local environment" are subject to  
10 multiple meanings and, as such, are overly broad, vague, and ambiguous. Defendants object to  
11 the phrase "TN determined that any given release did not require a 'source group' division" as  
12 being subject to multiple meanings and, as such, being vague and ambiguous. Further, Exhibit B  
13 lists the names of master fixes as that term was used by TomorrowNow in the SAS database. The  
14 master fixes are not the actual objects that are developed for TomorrowNow customers. Master  
15 fixes are records that simply identify problems for which TomorrowNow generally developed  
16 objects to resolve. The object development often took place at the release level, source level, and  
17 customer level. If this request is actually asking for information related to each and every object  
18 TomorrowNow developed, this number is more in line with the 33,185 listed in Plaintiffs' Exhibit  
19 D to Plaintiffs' Third Set of Requests for Admissions to SAP AG, SAP America, and  
20 TomorrowNow. To respond to this question, Defendants would have to analyze each individual  
21 object in each fix or update contained within each master fix. Defendants, therefore, object to this  
22 request as compound and unduly burdensome in that this request seeks information and activities  
23 that (1) involved many thousands of objects, (2) involved numerous employees, (3) took place  
24 over several years, and (4) would require Defendants to review substantial business records to  
25 determine an answer, if possible, for each of the numerous numbers of objects contained within  
26 the fixes and updates, and Defendants' burden in doing so would be substantially similar to the  
27 burden for Plaintiffs to do so given that the available information is at least as equally accessible  
28 to Plaintiffs as it is to Defendants.

1 Subject to the General Objections and Responses and these specific objections, after a  
2 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
3 sufficient knowledge and information to either admit or deny these requests, as the information  
4 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
5 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

6 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 602:**

7 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
8 General Objections noted above. Defendants' response is based solely on Defendant  
9 TomorrowNow's knowledge with respect to the information sought in this request because  
10 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
11 information provided by Defendant TomorrowNow in this response. Defendants object to the  
12 request because the terms "fix," "update," "source group," "used," and "local environment" are  
13 capable of multiple meanings and thus, make this request overly broad, vague and ambiguous.  
14 Defendants object to the phrase "TN determined that any given release did not require a 'source  
15 group' division" as being subject to multiple meanings and, as such, being vague and ambiguous.  
16 Further, Exhibit B lists the names of "master fixes" as that phrase was used by TomorrowNow in  
17 the SAS database. TomorrowNow's "master fixes" are not the actual objects included in fixes or  
18 updates that are developed for TomorrowNow's customers. "Master fixes" and "master bundles"  
19 are records that describe the issue to be addressed and then serve as a record keeping device and  
20 reference for that issue and related activity TomorrowNow undertook to address that issue. The  
21 actual development of customer-specific objects included in customer-specific fixes and updates  
22 was referenced to a "master bundle" or "master fix" record for identification and record keeping  
23 purposes. Thus, if this request seeks an admission related to each and every object related to each  
24 and every customer-specific fix or update that TomorrowNow developed, then this single request  
25 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
26 impermissibly seek regarding the 33,185 objects listed in Plaintiffs' Exhibit D to Plaintiffs' Third  
27 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
28 intent of this request, then to respond to this request, Defendants would have to analyze each



1 individual object in each fix or update contained within each master bundle. Defendants,  
2 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
3 because it seeks an admission regarding thousands of separate activities that (1) involved many  
4 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
5 would require Defendants to review enormous volumes of business records to attempt to  
6 determine an answer, if possible, for each of the numerous objects contained within the  
7 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
8 Defendants' burden associated with responding to this request is substantially similar to the  
9 burden for Plaintiffs to obtain the information sought through this request, especially because the  
10 available documents, data and other information from which the answer, if any, could be derived  
11 in response to this request have been produced by Defendants in response to Plaintiffs' other  
12 discovery requests and thus any relevant, available information is now as equally accessible to  
13 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
14 qualifications, Defendants respond as follows:

15 ADMITTED on the following qualified basis: At least one of the objects associated with  
16 the master fix records referenced in Exhibit B were developed once per release level by using  
17 environment components installed from media provided by a specific TomorrowNow customer  
18 on that release and the object was provided to the TomorrowNow customers on that release that  
19 contracted with TomorrowNow for, and required, that object. To the extent not admitted, this  
20 request is DENIED.

21 **REQUEST FOR ADMISSION NO. 603:**

22 Admit that for each Fix or Update listed in Exhibit B, TN unit tested the Fix Objects  
23 Developed for each "source group" (as the term is used in Requests Nos. 576-579) in the same  
24 Local Environment used to Develop the Fix or Update.

25 **RESPONSE TO REQUEST FOR ADMISSION NO. 603:**

26 Defendants object to this request on the grounds stated in the General Objections and  
27 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
28 respect to the information sought in this request because Defendants SAP AG and SAP America

1 have no additional knowledge separate and apart from the information provided by Defendant  
2 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
3 “Fix,” “Update,” “unit tested,” “developed/develop,” “source group,” “used,” and “local  
4 environment” are subject to multiple meanings and, as such, are overly broad, vague, and  
5 ambiguous. Defendants further object to the term “Fix Objects” as overly broad, vague, and  
6 inaccurate to the extent it includes the phrase “discrete unit of code.” Defendants respond as if  
7 the undefined term “object” was used in “Fix Objects” place. Further, Exhibit B lists the names  
8 of master fixes as that term was used by TomorrowNow in the SAS database. The master fixes  
9 are not the actual objects that are developed for TomorrowNow customers. Master fixes are  
10 records that simply identify problems for which TomorrowNow generally developed objects to  
11 resolve. The object development often took place at the release level, source level, and customer  
12 level. If this request is actually asking for information related to each and every object  
13 TomorrowNow developed, this number is more in line with the 33,185 listed in Plaintiffs’ Exhibit  
14 D to Plaintiffs’ Third Set of Requests for Admissions to SAP AG, SAP America, and  
15 TomorrowNow. To respond to this question, Defendants would have to analyze each individual  
16 object in each fix or update contained within each master fix. Defendants, therefore, object to this  
17 request as compound and unduly burdensome in that this request seeks information and activities  
18 that (1) involved many thousands of objects, (2) involved numerous employees, (3) took place  
19 over several years, and (4) would require Defendants to review substantial business records to  
20 determine an answer, if possible, for each of the numerous numbers of objects contained within  
21 the fixes and updates, and Defendants’ burden in doing so would be substantially similar to the  
22 burden for Plaintiffs to do so given that the available information is at least as equally accessible  
23 to Plaintiffs as it is to Defendants.

24 Subject to the General Objections and Responses and these specific objections, after a  
25 reasonable inquiry and based on Defendants’ understanding of these questions, Defendants lack  
26 sufficient knowledge and information to either admit or deny these requests, as the information  
27 sought was not tracked, recorded, or maintained by TomorrowNow in a “readily obtainable  
28 manner.” Based on all of the reasons and objections stated above, these requests are DENIED.

**AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 603:**

Defendants incorporate by reference, as if fully set forth herein, all of Defendants' General Objections noted above. Defendants' response is based solely on Defendant TomorrowNow's knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant TomorrowNow in this response. Defendants object to the request because the terms "fix," "update," "unit tested," "developed/develop," "source group," "used," and "local environment" are capable of multiple meanings and thus, make this request overly broad, vague and ambiguous. Further, Exhibit B lists the names of "master fixes" as that phrase was used by TomorrowNow in the SAS database. TomorrowNow's "master fixes" are not the actual objects included in fixes or updates that are developed for TomorrowNow's customers. "Master fixes" and "master bundles" are records that describe the issue to be addressed and then serve as a record keeping device and reference for that issue and related activity TomorrowNow undertook to address that issue. The actual development of customer-specific objects included in customer-specific fixes and updates was referenced to a "master bundle" or "master fix" record for identification and record keeping purposes. Thus, if this request seeks an admission related to each and every object related to each and every customer-specific fix or update that TomorrowNow developed, then this single request impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this request, Defendants would have to analyze each individual object in each fix or update contained within each master bundle. Defendants, therefore, object on the basis that this request is compound, overly broad and unduly burdensome because it seeks an admission regarding thousands of separate activities that (1) involved many thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4) would require Defendants to review enormous volumes of business records to attempt to determine an answer, if possible, for each of the numerous objects contained within the referenced fixes and updates. Moreover,

1 Defendants object to this request on the basis that Defendants' burden associated with responding  
2 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
3 through this request, especially because the available documents, data and other information from  
4 which the answer, if any, could be derived in response to this request have been produced by  
5 Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available  
6 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and  
7 without waiving the foregoing objections and qualifications, Defendants respond as follows:

8 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
9 information Defendants currently know or can readily obtain, Defendants have insufficient  
10 information to admit or deny this request.

11 **REQUEST FOR ADMISSION NO. 604:**

12 Admit that for the majority of Fixes or Updates listed in Exhibit B, TN unit tested the Fix  
13 Objects Developed for each "source group" (as the term is used in Requests Nos. 576-579) in the  
14 same Local Environment used to Develop the Fix or Update.

15 **RESPONSE TO REQUEST FOR ADMISSION NO. 604:**

16 Defendants object to this request on the grounds stated in the General Objections and  
17 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
18 respect to the information sought in this request because Defendants SAP AG and SAP America  
19 have no additional knowledge separate and apart from the information provided by Defendant  
20 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
21 "Fix(es)," "Updates," "majority," "unit tested," "developed/develop," "source group," "used,"  
22 and "local environment" are subject to multiple meanings and, as such, are overly broad, vague,  
23 and ambiguous. Defendants further object to the term "Fix Objects" as overly broad, vague, and  
24 inaccurate to the extent it includes the phrase "discrete unit of code." Defendants respond as if  
25 the undefined term "object" was used in "Fix Objects" place. Further, Exhibit B lists the names  
26 of master fixes as that term was used by TomorrowNow in the SAS database. The master fixes  
27 are not the actual objects that are developed for TomorrowNow customers. Master fixes are  
28 records that simply identify problems for which TomorrowNow generally developed objects to

1 resolve. The object development often took place at the release level, source level, and customer  
2 level. If this request is actually asking for information related to each and every object  
3 TomorrowNow developed, this number is more in line with the 33,185 listed in Plaintiffs' Exhibit  
4 D to Plaintiffs' Third Set of Requests for Admissions to SAP AG, SAP America, and  
5 TomorrowNow. To respond to this question, Defendants would have to analyze each individual  
6 object in each fix or update contained within each master fix. Defendants, therefore, object to this  
7 request as compound and unduly burdensome in that this request seeks information and activities  
8 that (1) involved many thousands of objects, (2) involved numerous employees, (3) took place  
9 over several years, and (4) would require Defendants to review substantial business records to  
10 determine an answer, if possible, for each of the numerous numbers of objects contained within  
11 the fixes and updates, and Defendants' burden in doing so would be substantially similar to the  
12 burden for Plaintiffs to do so given that the available information is at least as equally accessible  
13 to Plaintiffs as it is to Defendants.

14 Subject to the General Objections and Responses and these specific objections, after a  
15 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
16 sufficient knowledge and information to either admit or deny these requests, as the information  
17 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
18 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

19 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 604:**

20 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
21 General Objections noted above. Defendants' response is based solely on Defendant  
22 TomorrowNow's knowledge with respect to the information sought in this request because  
23 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
24 information provided by Defendant TomorrowNow in this response. Defendants object to the  
25 request because the terms "fix," "update," "unit tested," "developed/develop," "source group,"  
26 "used," and "local environment" are capable of multiple meanings and thus, make this request  
27 overly broad, vague and ambiguous. Further, Exhibit B lists the names of "master fixes" as that  
28 phrase was used by TomorrowNow in the SAS database. TomorrowNow's "master fixes" are not

1 the actual objects included in fixes or updates that are developed for TomorrowNow's customers.  
2 "Master fixes" and "master bundles" are records that describe the issue to be addressed and then  
3 serve as a record keeping device and reference for that issue and related activity TomorrowNow  
4 undertook to address that issue. The actual development of customer-specific objects included in  
5 customer-specific fixes and updates was referenced to a "master bundle" or "master fix" record  
6 for identification and record keeping purposes. Thus, if this request seeks an admission related to  
7 each and every object related to each and every customer-specific fix or update that  
8 TomorrowNow developed, then this single request impermissibly seeks literally thousands of  
9 admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects  
10 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG,  
11 SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
12 request, Defendants would have to analyze each individual object in each fix or update contained  
13 within each master bundle. Defendants, therefore, object on the basis that this request is  
14 compound, overly broad and unduly burdensome because it seeks an admission regarding  
15 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
16 numerous employees, (3) took place over several years, and (4) would require Defendants to  
17 review enormous volumes of business records to attempt to determine an answer, if possible, for  
18 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
19 Defendants object to this request on the basis that Defendants' burden associated with responding  
20 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
21 through this request, especially because the available documents, data and other information from  
22 which the answer, if any, could be derived in response to this request have been produced by  
23 Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available  
24 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and  
25 without waiving the foregoing objections and qualifications, Defendants respond as follows:

26 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
27 information Defendants currently know or can readily obtain, Defendants have insufficient  
28 information to admit or deny this request.

1 **REQUEST FOR ADMISSION NO. 605:**

2 Admit that for some Fixes or Updates listed in Exhibit B, TN unit tested the Fix Objects  
3 Developed for each “source group” (as the term is used in Requests Nos. 576-579) in the same  
4 Local Environment used to Develop the Fix or Update.

5 **RESPONSE TO REQUEST FOR ADMISSION NO. 605:**

6 Defendants object to this request on the grounds stated in the General Objections and  
7 Responses. Defendants’ response is based solely on Defendant TomorrowNow’s knowledge with  
8 respect to the information sought in this request because Defendants SAP AG and SAP America  
9 have no additional knowledge separate and apart from the information provided by Defendant  
10 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
11 “Fix(es),” “Updates,” “unit tested,” “developed/develop,” “source group,” “used,” “some,” and  
12 “local environment” are subject to multiple meanings and, as such, are overly broad, vague, and  
13 ambiguous. Defendants further object to the term “Fix Objects” as overly broad, vague, and  
14 inaccurate to the extent it includes the phrase “discrete unit of code.” Defendants respond as if  
15 the undefined term “object” was used in “Fix Objects” place. Further, Exhibit B lists the names  
16 of master fixes as that term was used by TomorrowNow in the SAS database. The master fixes  
17 are not the actual objects that are developed for TomorrowNow customers. Master fixes are  
18 records that simply identify problems for which TomorrowNow generally developed objects to  
19 resolve. The object development often took place at the release level, source level, and customer  
20 level. If this request is actually asking for information related to each and every object  
21 TomorrowNow developed, this number is more in line with the 33,185 listed in Plaintiffs’ Exhibit  
22 D to Plaintiffs’ Third Set of Requests for Admissions to SAP AG, SAP America, and  
23 TomorrowNow. To respond to this question, Defendants would have to analyze each individual  
24 object in each fix or update contained within each master fix. Defendants, therefore, object to this  
25 request as compound and unduly burdensome in that this request seeks information and activities  
26 that (1) involved many thousands of objects, (2) involved numerous employees, (3) took place  
27 over several years, and (4) would require Defendants to review substantial business records to  
28 determine an answer, if possible, for each of the numerous numbers of objects contained within

1 the fixes and updates, and Defendants' burden in doing so would be substantially similar to the  
2 burden for Plaintiffs to do so given that the available information is at least as equally accessible  
3 to Plaintiffs as it is to Defendants.

4 Subject to the General Objections and Responses and these specific objections, after a  
5 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
6 sufficient knowledge and information to either admit or deny these requests, as the information  
7 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
8 manner." Based on all of the reasons and objections stated above, these requests are DENIED.

9 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 605:**

10 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
11 General Objections noted above. Defendants' response is based solely on Defendant  
12 TomorrowNow's knowledge with respect to the information sought in this request because  
13 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
14 information provided by Defendant TomorrowNow in this response. Defendants object to the  
15 request because the terms "fix," "update," "unit tested," "developed/develop," "source group,"  
16 "used," and "local environment" are capable of multiple meanings and thus, make this request  
17 overly broad, vague and ambiguous. Further, Exhibit B lists the names of "master fixes" as that  
18 phrase was used by TomorrowNow in the SAS database. TomorrowNow's "master fixes" are not  
19 the actual objects included in fixes or updates that are developed for TomorrowNow's customers.  
20 "Master fixes" and "master bundles" are records that describe the issue to be addressed and then  
21 serve as a record keeping device and reference for that issue and related activity TomorrowNow  
22 undertook to address that issue. The actual development of customer-specific objects included in  
23 customer-specific fixes and updates was referenced to a "master bundle" or "master fix" record  
24 for identification and record keeping purposes. Thus, if this request seeks an admission related to  
25 each and every object related to each and every customer-specific fix or update that  
26 TomorrowNow developed, then this single request impermissibly seeks literally thousands of  
27 admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects  
28 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG,



1 SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
2 request, Defendants would have to analyze each individual object in each fix or update contained  
3 within each master bundle. Defendants, therefore, object on the basis that this request is  
4 compound, overly broad and unduly burdensome because it seeks an admission regarding  
5 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
6 numerous employees, (3) took place over several years, and (4) would require Defendants to  
7 review enormous volumes of business records to attempt to determine an answer, if possible, for  
8 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
9 Defendants object to this request on the basis that Defendants' burden associated with responding  
10 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
11 through this request, especially because the available documents, data and other information from  
12 which the answer, if any, could be derived in response to this request have been produced by  
13 Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available  
14 information is now as equally accessible to Plaintiffs as it is to Defendants. Further, in providing  
15 this response, Defendants are defining "some" as "more than one" as suggested by Plaintiffs in  
16 their August 10, 2009 meet and confer letter. Subject to and without waiving the foregoing  
17 objections and qualifications, Defendants respond as follows:

18 ADMITTED on the following qualified basis: Some of the objects (meaning more than  
19 one object) associated with the master fix records referenced in Exhibit B were unit tested using  
20 the same TomorrowNow customer local environment as was used in part to develop the object.

21 To the extent not admitted, this request is DENIED.

22 **REQUEST FOR ADMISSION NO. 606:**

23 Admit that for at least one Fix or Update listed in Exhibit B, TN unit tested the Fix  
24 Objects Developed for each "source group" (as the term is used in Requests Nos. 576-579) in the  
25 same Local Environment used to Develop the Fix or Update.

26 **RESPONSE TO REQUEST FOR ADMISSION NO. 606:**

27 Defendants object to this request on the grounds stated in the General Objections and  
28 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with

1 respect to the information sought in this request because Defendants SAP AG and SAP America  
2 have no additional knowledge separate and apart from the information provided by Defendant  
3 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
4 “Fix,” “Update,” “unit tested,” “developed/develop,” “source group,” “used,” and “local  
5 environment” are subject to multiple meanings and, as such, are overly broad, vague, and  
6 ambiguous. Defendants further object to the term “Fix Objects” as overly broad, vague, and  
7 inaccurate to the extent it includes the phrase “discrete unit of code.” Defendants respond as if  
8 the undefined term “object” was used in “Fix Objects” place. Further, Exhibit B lists the names  
9 of master fixes as that term was used by TomorrowNow in the SAS database. The master fixes  
10 are not the actual objects that are developed for TomorrowNow customers. Master fixes are  
11 records that simply identify problems for which TomorrowNow generally developed objects to  
12 resolve. The object development often took place at the release level, source level, and customer  
13 level. If this request is actually asking for information related to each and every object  
14 TomorrowNow developed, this number is more in line with the 33,185 listed in Plaintiffs’ Exhibit  
15 D to Plaintiffs’ Third Set of Requests for Admissions to SAP AG, SAP America, and  
16 TomorrowNow. To respond to this question, Defendants would have to analyze each individual  
17 object in each fix or update contained within each master fix. Defendants, therefore, object to this  
18 request as compound and unduly burdensome in that this request seeks information and activities  
19 that (1) involved many thousands of objects, (2) involved numerous employees, (3) took place  
20 over several years, and (4) would require Defendants to review substantial business records to  
21 determine an answer, if possible, for each of the numerous numbers of objects contained within  
22 the fixes and updates, and Defendants’ burden in doing so would be substantially similar to the  
23 burden for Plaintiffs to do so given that the available information is at least as equally accessible  
24 to Plaintiffs as it is to Defendants.

25 Subject to the General Objections and Responses and these specific objections, after a  
26 reasonable inquiry and based on Defendants’ understanding of these questions, Defendants lack  
27 sufficient knowledge and information to either admit or deny these requests, as the information  
28 sought was not tracked, recorded, or maintained by TomorrowNow in a “readily obtainable

1 manner.” Based on all of the reasons and objections stated above, these requests are DENIED.

2 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 606:**

3 Defendants incorporate by reference, as if fully set forth herein, all of Defendants’  
4 General Objections noted above. Defendants’ response is based solely on Defendant  
5 TomorrowNow’s knowledge with respect to the information sought in this request because  
6 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
7 information provided by Defendant TomorrowNow in this response. Defendants object to the  
8 request because the terms “fix,” “update,” “unit tested,” “developed/develop,” “source group,”  
9 “used,” and “local environment” are capable of multiple meanings and thus, make this request  
10 overly broad, vague and ambiguous. Further, Exhibit B lists the names of “master fixes” as that  
11 phrase was used by TomorrowNow in the SAS database. TomorrowNow’s “master fixes” are not  
12 the actual objects included in fixes or updates that are developed for TomorrowNow’s customers.  
13 “Master fixes” and “master bundles” are records that describe the issue to be addressed and then  
14 serve as a record keeping device and reference for that issue and related activity TomorrowNow  
15 undertook to address that issue. The actual development of customer-specific objects included in  
16 customer-specific fixes and updates was referenced to a “master bundle” or “master fix” record  
17 for identification and record keeping purposes. Thus, if this request seeks an admission related to  
18 each and every object related to each and every customer-specific fix or update that  
19 TomorrowNow developed, then this single request impermissibly seeks literally thousands of  
20 admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects  
21 listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for Admissions to SAP AG,  
22 SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
23 request, Defendants would have to analyze each individual object in each fix or update contained  
24 within each master bundle. Defendants, therefore, object on the basis that this request is  
25 compound, overly broad and unduly burdensome because it seeks an admission regarding  
26 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
27 numerous employees, (3) took place over several years, and (4) would require Defendants to  
28 review enormous volumes of business records to attempt to determine an answer, if possible, for

1 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
2 Defendants object to this request on the basis that Defendants' burden associated with responding  
3 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
4 through this request, especially because the available documents, data and other information from  
5 which the answer, if any, could be derived in response to this request have been produced by  
6 Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available  
7 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and  
8 without waiving the foregoing objections and qualifications, Defendants respond as follows:

9 ADMITTED on the following qualified basis: At least one of the objects associated with  
10 the master fix records referenced in Exhibit B was unit tested using the same TomorrowNow  
11 customer local environment as was used in part to develop the object. To the extent not admitted,  
12 this request is DENIED.

13 **REQUEST FOR ADMISSION NO. 607:**

14 Admit that for each Fix or Update listed in Exhibit B, TN saved the Fix Objects  
15 Developed for each "source group" (as the term is used in Requests Nos. 576-579) to some  
16 central location (typically referred to at TN as the "development staging area" or "staging area").

17 **RESPONSE TO REQUEST FOR ADMISSION NO. 607:**

18 Defendants object to this request on the grounds stated in the General Objections and  
19 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
20 respect to the information sought in this request because Defendants SAP AG and SAP America  
21 have no additional knowledge separate and apart from the information provided by Defendant  
22 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
23 "saved," "developed/develop," "source group," "central location," "development staging area,"  
24 and "staging area" are subject to multiple meanings and, as such, are overly broad, vague, and  
25 ambiguous. Defendants further object to the term "Fix Objects" as overly broad, vague, and  
26 inaccurate to the extent it includes the phrase "discrete unit of code." Defendants respond as if  
27 the undefined term "object" was used in "Fix Objects" place. Further, Exhibit B lists the names  
28 of master fixes as that term was used by TomorrowNow in the SAS database. The master fixes

1 are not the actual objects that are developed for TomorrowNow customers. Master bundles and  
2 master fixes are records that simply identify problems for which TomorrowNow generally  
3 developed objects to resolve. The object development often took place at the release level,  
4 source level, and customer level. If this request is actually asking for information related to each  
5 and every object TomorrowNow developed, this number is more in line with the 33,185 listed in  
6 Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG, SAP  
7 America, and TomorrowNow. To respond to this question, Defendants would have to analyze  
8 each individual object in each fix or update contained within each master bundle. Defendants,  
9 therefore, object to this request as compound and unduly burdensome in that this request seeks  
10 information and activities that (1) involved many thousands of objects, (2) involved numerous  
11 employees, (3) took place over several years, and (4) would require Defendants to review  
12 substantial business records to determine an answer, if possible, for each of the numerous  
13 numbers of objects contained within the fixes and updates, and Defendants' burden in doing so  
14 would be substantially similar to the burden for Plaintiffs to do so given that the available  
15 information is at least as equally accessible to Plaintiffs as it is to Defendants.

16 Subject to the General Objections and Responses and these specific objections, after a  
17 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
18 sufficient knowledge and information to either admit or deny these requests, as the information  
19 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
20 manner." On this basis, therefore, these requests are DENIED.

21 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 607:**

22 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
23 General Objections noted above. Defendants' response is based solely on Defendant  
24 TomorrowNow's knowledge with respect to the information sought in this request because  
25 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
26 information provided by Defendant TomorrowNow in this response. Defendants object to the  
27 request because the terms "fix," "update," "saved," "developed/develop," "source group,"  
28 "central location," "development staging area," and "staging area" are capable of multiple

1 meanings and thus, make this request overly broad, vague and ambiguous. Further, Exhibit B  
2 lists the names of “master fixes” as that phrase was used by TomorrowNow in the SAS database.  
3 TomorrowNow’s “master fixes” are not the actual objects included in fixes or updates that are  
4 developed for TomorrowNow’s customers. “Master fixes” and “master bundles” are records that  
5 describe the issue to be addressed and then serve as a record keeping device and reference for that  
6 issue and related activity TomorrowNow undertook to address that issue. The actual  
7 development of customer-specific objects included in customer-specific fixes and updates was  
8 referenced to a “master bundle” or “master fix” record for identification and record keeping  
9 purposes. Thus, if this request seeks an admission related to each and every object related to each  
10 and every customer-specific fix or update that TomorrowNow developed, then this single request  
11 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
12 impermissibly seek regarding the 33,185 objects listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third  
13 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
14 intent of this request, then to respond to this request, Defendants would have to analyze each  
15 individual object in each fix or update contained within each master bundle. Defendants,  
16 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
17 because it seeks an admission regarding thousands of separate activities that (1) involved many  
18 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
19 would require Defendants to review enormous volumes of business records to attempt to  
20 determine an answer, if possible, for each of the numerous objects contained within the  
21 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
22 Defendants’ burden associated with responding to this request is substantially similar to the  
23 burden for Plaintiffs to obtain the information sought through this request, especially because the  
24 available documents, data and other information from which the answer, if any, could be derived  
25 in response to this request have been produced by Defendants in response to Plaintiffs’ other  
26 discovery requests and thus any relevant, available information is now as equally accessible to  
27 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
28 qualifications, Defendants respond as follows:

1 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
2 information Defendants currently know or can readily obtain, Defendants have insufficient  
3 information to admit or deny this request.

4 **REQUEST FOR ADMISSION NO. 608:**

5 Admit that for the majority of Fixes or Updates listed in Exhibit B, TN saved the Fix  
6 Objects Developed for each “source group” (as the term is used in Requests Nos. 576-579) to  
7 some central location (typically referred to at TN as the “development staging area” or “staging  
8 area”).

9 **RESPONSE TO REQUEST FOR ADMISSION NO. 608:**

10 Defendants object to this request on the grounds stated in the General Objections and  
11 Responses. Defendants’ response is based solely on Defendant TomorrowNow’s knowledge with  
12 respect to the information sought in this request because Defendants SAP AG and SAP America  
13 have no additional knowledge separate and apart from the information provided by Defendant  
14 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
15 “saved,” “developed/develop,” “source group,” “central location,” “development staging area,”  
16 and “staging area” are subject to multiple meanings and, as such, are overly broad, vague, and  
17 ambiguous. Defendants further object to the term “Fix Objects” as overly broad, vague, and  
18 inaccurate to the extent it includes the phrase “discrete unit of code.” Defendants respond as if  
19 the undefined term “object” was used in “Fix Objects” place. Further, Exhibit B lists the names  
20 of master fixes as that term was used by TomorrowNow in the SAS database. The master fixes  
21 are not the actual objects that are developed for TomorrowNow customers. Master bundles and  
22 master fixes are records that simply identify problems for which TomorrowNow generally  
23 developed objects to resolve. The object development often took place at the release level,  
24 source level, and customer level. If this request is actually asking for information related to each  
25 and every object TomorrowNow developed, this number is more in line with the 33,185 listed in  
26 Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for Admissions to SAP AG, SAP  
27 America, and TomorrowNow. To respond to this question, Defendants would have to analyze  
28 each individual object in each fix or update contained within each master bundle. Defendants,

1 therefore, object to this request as compound and unduly burdensome in that this request seeks  
2 information and activities that (1) involved many thousands of objects, (2) involved numerous  
3 employees, (3) took place over several years, and (4) would require Defendants to review  
4 substantial business records to determine an answer, if possible, for each of the numerous  
5 numbers of objects contained within the fixes and updates, and Defendants' burden in doing so  
6 would be substantially similar to the burden for Plaintiffs to do so given that the available  
7 information is at least as equally accessible to Plaintiffs as it is to Defendants.

8 Subject to the General Objections and Responses and these specific objections, after a  
9 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
10 sufficient knowledge and information to either admit or deny these requests, as the information  
11 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
12 manner." On this basis, therefore, these requests are DENIED.

13 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 608:**

14 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
15 General Objections noted above. Defendants' response is based solely on Defendant  
16 TomorrowNow's knowledge with respect to the information sought in this request because  
17 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
18 information provided by Defendant TomorrowNow in this response. Defendants object to the  
19 request because the terms "fix(es)," "update(s)," "saved," "developed/develop," "source group,"  
20 "central location," "development staging area," and "staging area" are capable of multiple  
21 meanings and thus, make this request overly broad, vague and ambiguous. Further, Exhibit B  
22 lists the names of "master fixes" as that phrase was used by TomorrowNow in the SAS database.  
23 TomorrowNow's "master fixes" are not the actual objects included in fixes or updates that are  
24 developed for TomorrowNow's customers. "Master fixes" and "master bundles" are records that  
25 describe the issue to be addressed and then serve as a record keeping device and reference for that  
26 issue and related activity TomorrowNow undertook to address that issue. The actual  
27 development of customer-specific objects included in customer-specific fixes and updates was  
28 referenced to a "master bundle" or "master fix" record for identification and record keeping



1 purposes. Thus, if this request seeks an admission related to each and every object related to each  
2 and every customer-specific fix or update that TomorrowNow developed, then this single request  
3 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
4 impermissibly seek regarding the 33,185 objects listed in Plaintiffs' Exhibit D to Plaintiffs' Third  
5 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
6 intent of this request, then to respond to this request, Defendants would have to analyze each  
7 individual object in each fix or update contained within each master bundle. Defendants,  
8 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
9 because it seeks an admission regarding thousands of separate activities that (1) involved many  
10 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
11 would require Defendants to review enormous volumes of business records to attempt to  
12 determine an answer, if possible, for each of the numerous objects contained within the  
13 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
14 Defendants' burden associated with responding to this request is substantially similar to the  
15 burden for Plaintiffs to obtain the information sought through this request, especially because the  
16 available documents, data and other information from which the answer, if any, could be derived  
17 in response to this request have been produced by Defendants in response to Plaintiffs' other  
18 discovery requests and thus any relevant, available information is now as equally accessible to  
19 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
20 qualifications, Defendants respond as follows:

21 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
22 information Defendants currently know or can readily obtain, Defendants have insufficient  
23 information to admit or deny this request.

24 **REQUEST FOR ADMISSION NO. 609:**

25 Admit that for some Fixes or Updates listed in Exhibit B, TN saved the Fix Objects  
26 Developed for each "source group" (as the term is used in Requests Nos. 576-579) to some  
27 central location (typically referred to at TN as the "development staging area" or "staging area").  
28

**RESPONSE TO REQUEST FOR ADMISSION NO. 609:**

Defendants object to this request on the grounds stated in the General Objections and Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant TomorrowNow in this response. Defendants object to the request because the terms and phrases "saved," "developed/develop," "source group," "central location," "development staging area," "some," and "staging area" are subject to multiple meanings and, as such, are overly broad, vague, and ambiguous. Defendants further object to the term "Fix Objects" as overly broad, vague, and inaccurate to the extent it includes the phrase "discrete unit of code." Defendants respond as if the undefined term "object" was used in "Fix Objects" place. Further, Exhibit B lists the names of master fixes as that term was used by TomorrowNow in the SAS database. The master fixes are not the actual objects that are developed for TomorrowNow customers. Master bundles and master fixes are records that simply identify problems for which TomorrowNow generally developed objects to resolve. The object development often took place at the release level, source level, and customer level. If this request is actually asking for information related to each and every object TomorrowNow developed, this number is more in line with the 33,185 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this question, Defendants would have to analyze each individual object in each fix or update contained within each master bundle. Defendants, therefore, object to this request as compound and unduly burdensome in that this request seeks information and activities that (1) involved many thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4) would require Defendants to review substantial business records to determine an answer, if possible, for each of the numerous numbers of objects contained within the fixes and updates, and Defendants' burden in doing so would be substantially similar to the burden for Plaintiffs to do so given that the available information is at least as equally accessible to Plaintiffs as it is to Defendants.

Subject to the General Objections and Responses and these specific objections, after a

1 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
2 sufficient knowledge and information to either admit or deny these requests, as the information  
3 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
4 manner." On this basis, therefore, these requests are DENIED.

5 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 609:**

6 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
7 General Objections noted above. Defendants' response is based solely on Defendant  
8 TomorrowNow's knowledge with respect to the information sought in this request because  
9 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
10 information provided by Defendant TomorrowNow in this response. Defendants object to the  
11 request because the terms "fix(es)," "update(s)," "saved," "developed/develop," "source group,"  
12 "central location," "development staging area," and "staging area" are capable of multiple  
13 meanings and thus, make this request overly broad, vague and ambiguous. Further, Exhibit B  
14 lists the names of "master fixes" as that phrase was used by TomorrowNow in the SAS database.  
15 TomorrowNow's "master fixes" are not the actual objects included in fixes or updates that are  
16 developed for TomorrowNow's customers. "Master fixes" and "master bundles" are records that  
17 describe the issue to be addressed and then serve as a record keeping device and reference for that  
18 issue and related activity TomorrowNow undertook to address that issue. The actual  
19 development of customer-specific objects included in customer-specific fixes and updates was  
20 referenced to a "master bundle" or "master fix" record for identification and record keeping  
21 purposes. Thus, if this request seeks an admission related to each and every object related to each  
22 and every customer-specific fix or update that TomorrowNow developed, then this single request  
23 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
24 impermissibly seek regarding the 33,185 objects listed in Plaintiffs' Exhibit D to Plaintiffs' Third  
25 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
26 intent of this request, then to respond to this request, Defendants would have to analyze each  
27 individual object in each fix or update contained within each master bundle. Defendants,  
28 therefore, object on the basis that this request is compound, overly broad and unduly burdensome

1 because it seeks an admission regarding thousands of separate activities that (1) involved many  
2 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
3 would require Defendants to review enormous volumes of business records to attempt to  
4 determine an answer, if possible, for each of the numerous objects contained within the  
5 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
6 Defendants' burden associated with responding to this request is substantially similar to the  
7 burden for Plaintiffs to obtain the information sought through this request, especially because the  
8 available documents, data and other information from which the answer, if any, could be derived  
9 in response to this request have been produced by Defendants in response to Plaintiffs' other  
10 discovery requests and thus any relevant, available information is now as equally accessible to  
11 Plaintiffs as it is to Defendants. Further, in providing this response, Defendants are defining  
12 "some" as "more than one" as suggested by Plaintiffs in their August 10, 2009 meet and confer  
13 letter. Subject to and without waiving the foregoing objections and qualifications, Defendants  
14 respond as follows:

15 ADMITTED on the following qualified basis: Some of the objects (meaning more than  
16 one object) associated with the master fix records referenced in Exhibit B that were developed for  
17 a specific group of TomorrowNow customers on a specific release, were placed in a central  
18 location on TomorrowNow's network that was referred to by some TomorrowNow employees as  
19 the "development staging area." To the extent not admitted, this request is DENIED.

20 **REQUEST FOR ADMISSION NO. 610:**

21 Admit that for at least one Fix or Update listed in Exhibit B, TN saved the Fix Objects  
22 Developed for each "source group" (as the term is used in Requests Nos. 576-579) to some  
23 central location (typically referred to at TN as the "development staging area" or "staging area").

24 **RESPONSE TO REQUEST FOR ADMISSION NO. 610:**

25 Defendants object to this request on the grounds stated in the General Objections and  
26 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
27 respect to the information sought in this request because Defendants SAP AG and SAP America  
28 have no additional knowledge separate and apart from the information provided by Defendant

1 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
2 “saved,” “developed/develop,” “source group,” “central location,” “development staging area,”  
3 and “staging area” are subject to multiple meanings and, as such, are overly broad, vague, and  
4 ambiguous. Defendants further object to the term “Fix Objects” as overly broad, vague, and  
5 inaccurate to the extent it includes the phrase “discrete unit of code.” Defendants respond as if  
6 the undefined term “object” was used in “Fix Objects” place. Further, Exhibit B lists the names  
7 of master fixes as that term was used by TomorrowNow in the SAS database. The master fixes  
8 are not the actual objects that are developed for TomorrowNow customers. Master bundles and  
9 master fixes are records that simply identify problems for which TomorrowNow generally  
10 developed objects to resolve. The object development often took place at the release level,  
11 source level, and customer level. If this request is actually asking for information related to each  
12 and every object TomorrowNow developed, this number is more in line with the 33,185 listed in  
13 Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for Admissions to SAP AG, SAP  
14 America, and TomorrowNow. To respond to this question, Defendants would have to analyze  
15 each individual object in each fix or update contained within each master bundle. Defendants,  
16 therefore, object to this request as compound and unduly burdensome in that this request seeks  
17 information and activities that (1) involved many thousands of objects, (2) involved numerous  
18 employees, (3) took place over several years, and (4) would require Defendants to review  
19 substantial business records to determine an answer, if possible, for each of the numerous  
20 numbers of objects contained within the fixes and updates, and Defendants’ burden in doing so  
21 would be substantially similar to the burden for Plaintiffs to do so given that the available  
22 information is at least as equally accessible to Plaintiffs as it is to Defendants.

23 Subject to the General Objections and Responses and these specific objections, after a  
24 reasonable inquiry and based on Defendants’ understanding of these questions, Defendants lack  
25 sufficient knowledge and information to either admit or deny these requests, as the information  
26 sought was not tracked, recorded, or maintained by TomorrowNow in a “readily obtainable  
27 manner.” On this basis, therefore, these requests are DENIED.

28

**AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 610:**

Defendants incorporate by reference, as if fully set forth herein, all of Defendants' General Objections noted above. Defendants' response is based solely on Defendant TomorrowNow's knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant TomorrowNow in this response. Defendants object to the request because the terms "fix(es)," "update(s)," "saved," "developed/develop," "source group," "central location," "development staging area," and "staging area" are capable of multiple meanings and thus, make this request overly broad, vague and ambiguous. Further, Exhibit B lists the names of "master fixes" as that phrase was used by TomorrowNow in the SAS database. TomorrowNow's "master fixes" are not the actual objects included in fixes or updates that are developed for TomorrowNow's customers. "Master fixes" and "master bundles" are records that describe the issue to be addressed and then serve as a record keeping device and reference for that issue and related activity TomorrowNow undertook to address that issue. The actual development of customer-specific objects included in customer-specific fixes and updates was referenced to a "master bundle" or "master fix" record for identification and record keeping purposes. Thus, if this request seeks an admission related to each and every object related to each and every customer-specific fix or update that TomorrowNow developed, then this single request impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this request, Defendants would have to analyze each individual object in each fix or update contained within each master bundle. Defendants, therefore, object on the basis that this request is compound, overly broad and unduly burdensome because it seeks an admission regarding thousands of separate activities that (1) involved many thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4) would require Defendants to review enormous volumes of business records to attempt to determine an answer, if possible, for each of the numerous objects contained within the

1 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
2 Defendants' burden associated with responding to this request is substantially similar to the  
3 burden for Plaintiffs to obtain the information sought through this request, especially because the  
4 available documents, data and other information from which the answer, if any, could be derived  
5 in response to this request have been produced by Defendants in response to Plaintiffs' other  
6 discovery requests and thus any relevant, available information is now as equally accessible to  
7 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
8 qualifications, Defendants respond as follows:

9 ADMITTED on the following qualified basis: At least one of the objects associated with  
10 the master fix records referenced in Exhibit B that was developed for a specific group of  
11 TomorrowNow customers on a specific release, was placed in a central location on  
12 TomorrowNow's network that was referred to by some TomorrowNow employees as the  
13 "development staging area." To the extent not admitted, this request is DENIED.

14 **REQUEST FOR ADMISSION NO. 611:**

15 Admit that for each Fix or Update listed in Exhibit B, TN tested the Fix or Update (in a  
16 process typically known as "individual fix testing" or "QA testing"), including by Copying the  
17 Fix Objects saved in the central development staging area to a Local Environment within the  
18 applicable "source group" (as the term is used in Requests Nos. 576-579), to test the functionality  
19 and stability of the Fix or Update and that it produced the expected results.

20 **RESPONSE TO REQUEST FOR ADMISSION NO. 611:**

21 Defendants object to this request on the grounds stated in the General Objections and  
22 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
23 respect to the information sought in this request because Defendants SAP AG and SAP America  
24 have no additional knowledge separate and apart from the information provided by Defendant  
25 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
26 "tested/test," "individual fix testing," "QA testing," "copying," "central development staging  
27 area," "local environment," and "source group" are subject to multiple meanings and, as such, are  
28 overly broad, vague, and ambiguous. Defendants object to the phrase "to test the functionality

1 and stability of the fix or update and that it produced the expected results” as being subject to  
2 multiple meanings and, as such, being vague and ambiguous. Defendants further object to the  
3 term “Fix Objects” as overly broad, vague, and inaccurate to the extent it includes the phrase  
4 “discrete unit of code.” Defendants respond as if the undefined term “object” was used in “Fix  
5 Objects” place. Further, Exhibit B lists the names of master fixes as that term was used by  
6 TomorrowNow in the SAS database. The master fixes are not the actual objects that are  
7 developed for TomorrowNow customers. Master bundles and master fixes are records that  
8 simply identify problems for which TomorrowNow generally developed objects to resolve. The  
9 object development often took place at the release level, source level, and customer level. If this  
10 request is actually asking for information related to each and every object TomorrowNow  
11 developed, this number is more in line with the 33,185 listed in Plaintiffs’ Exhibit D to Plaintiffs’  
12 Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To  
13 respond to this question, Defendants would have to analyze each individual object in each fix or  
14 update contained within each master bundle. Defendants, therefore, object to this request as  
15 compound and unduly burdensome in that this request seeks information and activities that (1)  
16 involved many thousands of objects, (2) involved numerous employees, (3) took place over  
17 several years, and (4) would require Defendants to review substantial business records to  
18 determine an answer, if possible, for each of the numerous numbers of objects contained within  
19 the fixes and updates, and Defendants’ burden in doing so would be substantially similar to the  
20 burden for Plaintiffs to do so given that the available information is at least as equally accessible  
21 to Plaintiffs as it is to Defendants.

22 Subject to the General Objections and Responses and these specific objections, after a  
23 reasonable inquiry and based on Defendants’ understanding of these questions, Defendants lack  
24 sufficient knowledge and information to either admit or deny these requests, as the information  
25 sought was not tracked, recorded, or maintained by TomorrowNow in a “readily obtainable  
26 manner.” On this basis, therefore, these requests are DENIED.

27 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 611:**

28 Defendants incorporate by reference, as if fully set forth herein, all of Defendants’



1 General Objections noted above. Defendants' response is based solely on Defendant  
2 TomorrowNow's knowledge with respect to the information sought in this request because  
3 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
4 information provided by Defendant TomorrowNow in this response. Defendants object to the  
5 request because the terms "fix(es)," "update(s)," "tested/test," "individual fix testing," "QA  
6 testing," "copying," "central development staging area," "local environment," and "source group"  
7 are capable of multiple meanings and thus, make this request overly broad, vague and ambiguous.  
8 Defendants object to the phrase "to test the functionality and stability of the fix or update and that  
9 it produced the expected results" as being subject to multiple meanings and, as such, being overly  
10 broad, vague and ambiguous. Further, Exhibit B lists the names of "master fixes" as that phrase  
11 was used by TomorrowNow in the SAS database. TomorrowNow's "master fixes" are not the  
12 actual objects included in fixes or updates that are developed for TomorrowNow's customers.  
13 "Master fixes" and "master bundles" are records that describe the issue to be addressed and then  
14 serve as a record keeping device and reference for that issue and related activity TomorrowNow  
15 undertook to address that issue. The actual development of customer-specific objects included in  
16 customer-specific fixes and updates was referenced to a "master bundle" or "master fix" record  
17 for identification and record keeping purposes. Thus, if this request seeks an admission related to  
18 each and every object related to each and every customer-specific fix or update that  
19 TomorrowNow developed, then this single request impermissibly seeks literally thousands of  
20 admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects  
21 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG,  
22 SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
23 request, Defendants would have to analyze each individual object in each fix or update contained  
24 within each master bundle. Defendants, therefore, object on the basis that this request is  
25 compound, overly broad and unduly burdensome because it seeks an admission regarding  
26 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
27 numerous employees, (3) took place over several years, and (4) would require Defendants to  
28 review enormous volumes of business records to attempt to determine an answer, if possible, for

1 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
2 Defendants object to this request on the basis that Defendants' burden associated with responding  
3 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
4 through this request, especially because the available documents, data and other information from  
5 which the answer, if any, could be derived in response to this request have been produced by  
6 Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available  
7 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and  
8 without waiving the foregoing objections and qualifications, Defendants respond as follows:

9 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
10 information Defendants currently know or can readily obtain, Defendants have insufficient  
11 information to admit or deny this request.

12 **REQUEST FOR ADMISSION NO. 612:**

13 Admit that for the majority of Fixes or Updates listed in Exhibit B, TN tested the Fix or  
14 Update (in a process typically known as "individual fix testing" or "QA testing"), including by  
15 copying the Fix Objects saved in the central development staging area to a Local Environment  
16 within the applicable "source group" (as the term is used in Requests Nos. 576-579), to test the  
17 functionality and stability of the Fix or Update and that it produced the expected results.

18 **RESPONSE TO REQUEST FOR ADMISSION NO. 612:**

19 Defendants object to this request on the grounds stated in the General Objections and  
20 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
21 respect to the information sought in this request because Defendants SAP AG and SAP America  
22 have no additional knowledge separate and apart from the information provided by Defendant  
23 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
24 "tested/test," "individual fix testing," "QA testing," "copying," "central development staging  
25 area," "local environment," and "source group" are subject to multiple meanings and, as such, are  
26 overly broad, vague, and ambiguous. Defendants object to the phrase "to test the functionality  
27 and stability of the fix or update and that it produced the expected results" as being subject to  
28 multiple meanings and, as such, being vague and ambiguous. Defendants further object to the

1 term “Fix Objects” as overly broad, vague, and inaccurate to the extent it includes the phrase  
2 “discrete unit of code.” Defendants respond as if the undefined term “object” was used in “Fix  
3 Objects” place. Further, Exhibit B lists the names of master fixes as that term was used by  
4 TomorrowNow in the SAS database. The master fixes are not the actual objects that are  
5 developed for TomorrowNow customers. Master bundles and master fixes are records that  
6 simply identify problems for which TomorrowNow generally developed objects to resolve. The  
7 object development often took place at the release level, source level, and customer level. If this  
8 request is actually asking for information related to each and every object TomorrowNow  
9 developed, this number is more in line with the 33,185 listed in Plaintiffs’ Exhibit D to Plaintiffs’  
10 Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To  
11 respond to this question, Defendants would have to analyze each individual object in each fix or  
12 update contained within each master bundle. Defendants, therefore, object to this request as  
13 compound and unduly burdensome in that this request seeks information and activities that (1)  
14 involved many thousands of objects, (2) involved numerous employees, (3) took place over  
15 several years, and (4) would require Defendants to review substantial business records to  
16 determine an answer, if possible, for each of the numerous numbers of objects contained within  
17 the fixes and updates, and Defendants’ burden in doing so would be substantially similar to the  
18 burden for Plaintiffs to do so given that the available information is at least as equally accessible  
19 to Plaintiffs as it is to Defendants.

20 Subject to the General Objections and Responses and these specific objections, after a  
21 reasonable inquiry and based on Defendants’ understanding of these questions, Defendants lack  
22 sufficient knowledge and information to either admit or deny these requests, as the information  
23 sought was not tracked, recorded, or maintained by TomorrowNow in a “readily obtainable  
24 manner.” On this basis, therefore, these requests are DENIED.

25 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 612:**

26 Defendants incorporate by reference, as if fully set forth herein, all of Defendants’  
27 General Objections noted above. Defendants’ response is based solely on Defendant  
28 TomorrowNow’s knowledge with respect to the information sought in this request because

1 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
2 information provided by Defendant TomorrowNow in this response. Defendants object to the  
3 request because the terms “fix(es),” “update(s),” “tested/test,” “individual fix testing,” “QA  
4 testing,” “copying,” “central development staging area,” “local environment,” and “source group”  
5 are capable of multiple meanings and thus, make this request overly broad, vague and ambiguous.  
6 Defendants object to the phrase “to test the functionality and stability of the fix or update and that  
7 it produced the expected results” as being subject to multiple meanings and, as such, being overly  
8 broad, vague and ambiguous. Further, Exhibit B lists the names of “master fixes” as that phrase  
9 was used by TomorrowNow in the SAS database. TomorrowNow’s “master fixes” are not the  
10 actual objects included in fixes or updates that are developed for TomorrowNow’s customers.  
11 “Master fixes” and “master bundles” are records that describe the issue to be addressed and then  
12 serve as a record keeping device and reference for that issue and related activity TomorrowNow  
13 undertook to address that issue. The actual development of customer-specific objects included in  
14 customer-specific fixes and updates was referenced to a “master bundle” or “master fix” record  
15 for identification and record keeping purposes. Thus, if this request seeks an admission related to  
16 each and every object related to each and every customer-specific fix or update that  
17 TomorrowNow developed, then this single request impermissibly seeks literally thousands of  
18 admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects  
19 listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for Admissions to SAP AG,  
20 SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
21 request, Defendants would have to analyze each individual object in each fix or update contained  
22 within each master bundle. Defendants, therefore, object on the basis that this request is  
23 compound, overly broad and unduly burdensome because it seeks an admission regarding  
24 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
25 numerous employees, (3) took place over several years, and (4) would require Defendants to  
26 review enormous volumes of business records to attempt to determine an answer, if possible, for  
27 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
28 Defendants object to this request on the basis that Defendants’ burden associated with responding

1 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
2 through this request, especially because the available documents, data and other information from  
3 which the answer, if any, could be derived in response to this request have been produced by  
4 Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available  
5 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and  
6 without waiving the foregoing objections and qualifications, Defendants respond as follows:

7 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
8 information Defendants currently know or can readily obtain, Defendants have insufficient  
9 information to admit or deny this request.

10 **REQUEST FOR ADMISSION NO. 613:**

11 Admit that for some Fixes or Updates listed in Exhibit B, TN tested the Fix or Update (in  
12 a process typically known as "individual fix testing" or "QA testing"), including by copying the  
13 Fix Objects saved in the central development staging area to a Local Environment within the  
14 applicable "source group" (as the term is used in Requests Nos. 576-579), to test the functionality  
15 and stability of the Fix or Update and that it produced the expected results.

16 **RESPONSE TO REQUEST FOR ADMISSION NO. 613:**

17 Defendants object to this request on the grounds stated in the General Objections and  
18 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
19 respect to the information sought in this request because Defendants SAP AG and SAP America  
20 have no additional knowledge separate and apart from the information provided by Defendant  
21 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
22 "tested/test," "individual fix testing," "QA testing," "copying," "central development staging  
23 area," "local environment," "source group," and "some" are subject to multiple meanings and, as  
24 such, are overly broad, vague, and ambiguous. Defendants object to the phrase "to test the  
25 functionality and stability of the fix or update and that it produced the expected results" as being  
26 subject to multiple meanings and, as such, being vague and ambiguous. Defendants further object  
27 to the term "Fix Objects" as overly broad, vague, and inaccurate to the extent it includes the  
28 phrase "discrete unit of code." Defendants respond as if the undefined term "object" was used in

1 “Fix Objects” place. Further, Exhibit B lists the names of master fixes as that term was used by  
2 TomorrowNow in the SAS database. The master fixes are not the actual objects that are  
3 developed for TomorrowNow customers. Master bundles and master fixes are records that  
4 simply identify problems for which TomorrowNow generally developed objects to resolve. The  
5 object development often took place at the release level, source level, and customer level. If this  
6 request is actually asking for information related to each and every object TomorrowNow  
7 developed, this number is more in line with the 33,185 listed in Plaintiffs’ Exhibit D to Plaintiffs’  
8 Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To  
9 respond to this question, Defendants would have to analyze each individual object in each fix or  
10 update contained within each master bundle. Defendants, therefore, object to this request as  
11 compound and unduly burdensome in that this request seeks information and activities that (1)  
12 involved many thousands of objects, (2) involved numerous employees, (3) took place over  
13 several years, and (4) would require Defendants to review substantial business records to  
14 determine an answer, if possible, for each of the numerous numbers of objects contained within  
15 the fixes and updates, and Defendants’ burden in doing so would be substantially similar to the  
16 burden for Plaintiffs to do so given that the available information is at least as equally accessible  
17 to Plaintiffs as it is to Defendants.

18 Subject to the General Objections and Responses and these specific objections, after a  
19 reasonable inquiry and based on Defendants’ understanding of these questions, Defendants lack  
20 sufficient knowledge and information to either admit or deny these requests, as the information  
21 sought was not tracked, recorded, or maintained by TomorrowNow in a “readily obtainable  
22 manner.” On this basis, therefore, these requests are DENIED.

23 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 613:**

24 Defendants incorporate by reference, as if fully set forth herein, all of Defendants’  
25 General Objections noted above. Defendants’ response is based solely on Defendant  
26 TomorrowNow’s knowledge with respect to the information sought in this request because  
27 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
28 information provided by Defendant TomorrowNow in this response. Defendants object to the

1 request because the terms “fix(es),” “update(s),” “tested/test,” “individual fix testing,” “QA  
2 testing,” “copying,” “central development staging area,” “local environment,” and “source group”  
3 are capable of multiple meanings and thus, make this request overly broad, vague and ambiguous.  
4 Defendants object to the phrase “to test the functionality and stability of the fix or update and that  
5 it produced the expected results” as being subject to multiple meanings and, as such, being overly  
6 broad, vague and ambiguous. Further, Exhibit B lists the names of “master fixes” as that phrase  
7 was used by TomorrowNow in the SAS database. TomorrowNow’s “master fixes” are not the  
8 actual objects included in fixes or updates that are developed for TomorrowNow’s customers.  
9 “Master fixes” and “master bundles” are records that describe the issue to be addressed and then  
10 serve as a record keeping device and reference for that issue and related activity TomorrowNow  
11 undertook to address that issue. The actual development of customer-specific objects included in  
12 customer-specific fixes and updates was referenced to a “master bundle” or “master fix” record  
13 for identification and record keeping purposes. Thus, if this request seeks an admission related to  
14 each and every object related to each and every customer-specific fix or update that  
15 TomorrowNow developed, then this single request impermissibly seeks literally thousands of  
16 admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects  
17 listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for Admissions to SAP AG,  
18 SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
19 request, Defendants would have to analyze each individual object in each fix or update contained  
20 within each master bundle. Defendants, therefore, object on the basis that this request is  
21 compound, overly broad and unduly burdensome because it seeks an admission regarding  
22 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
23 numerous employees, (3) took place over several years, and (4) would require Defendants to  
24 review enormous volumes of business records to attempt to determine an answer, if possible, for  
25 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
26 Defendants object to this request on the basis that Defendants’ burden associated with responding  
27 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
28 through this request, especially because the available documents, data and other information from

1 which the answer, if any, could be derived in response to this request have been produced by  
2 Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available  
3 information is now as equally accessible to Plaintiffs as it is to Defendants. Further, in providing  
4 this response, Defendants are defining "some" as "more than one" as suggested by Plaintiffs in  
5 their August 10, 2009 meet and confer letter. Subject to and without waiving the foregoing  
6 objections and qualifications, Defendants respond as follows:

7 ADMITTED on the following qualified basis: Some of the objects (meaning more than  
8 one object) associated with the master fix records referenced in Exhibit B that were developed for  
9 a specific group of TomorrowNow customers on a specific release, were "individual fix tested"  
10 (as that phrase was used by some TomorrowNow employees) by applying the object located in  
11 the "development staging area" (as that phrase was used by some TomorrowNow employees) to a  
12 TomorrowNow customer's specific local environment that was within the specific group of  
13 TomorrowNow customers on a specific release that were intended to receive the object. To the  
14 extent not admitted, this request is DENIED.

15 **REQUEST FOR ADMISSION NO. 614:**

16 Admit that for at least one Fix or Update listed in Exhibit B, TN tested the Fix or Update  
17 (in a process typically known as "individual fix testing" or "QA testing"), including by copying  
18 the Fix Objects saved in the central development staging area to a Local Environment within the  
19 applicable "source group" (as the term is used in Requests Nos. 576-579), to test the functionality  
20 and stability of the Fix or Update and that it produced the expected results.

21 **RESPONSE TO REQUEST FOR ADMISSION NO. 614:**

22 Defendants object to this request on the grounds stated in the General Objections and  
23 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
24 respect to the information sought in this request because Defendants SAP AG and SAP America  
25 have no additional knowledge separate and apart from the information provided by Defendant  
26 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
27 "tested/test," "individual fix testing," "QA testing," "copying," "central development staging  
28 area," "local environment," and "source group" are subject to multiple meanings and, as such, are



1 overly broad, vague, and ambiguous. Defendants object to the phrase “to test the functionality  
2 and stability of the fix or update and that it produced the expected results” as being subject to  
3 multiple meanings and, as such, being vague and ambiguous. Defendants further object to the  
4 term “Fix Objects” as overly broad, vague, and inaccurate to the extent it includes the phrase  
5 “discrete unit of code.” Defendants respond as if the undefined term “object” was used in “Fix  
6 Objects” place. Further, Exhibit B lists the names of master fixes as that term was used by  
7 TomorrowNow in the SAS database. The master fixes are not the actual objects that are  
8 developed for TomorrowNow customers. Master bundles and master fixes are records that  
9 simply identify problems for which TomorrowNow generally developed objects to resolve. The  
10 object development often took place at the release level, source level, and customer level. If this  
11 request is actually asking for information related to each and every object TomorrowNow  
12 developed, this number is more in line with the 33,185 listed in Plaintiffs’ Exhibit D to Plaintiffs’  
13 Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To  
14 respond to this question, Defendants would have to analyze each individual object in each fix or  
15 update contained within each master bundle. Defendants, therefore, object to this request as  
16 compound and unduly burdensome in that this request seeks information and activities that (1)  
17 involved many thousands of objects, (2) involved numerous employees, (3) took place over  
18 several years, and (4) would require Defendants to review substantial business records to  
19 determine an answer, if possible, for each of the numerous numbers of objects contained within  
20 the fixes and updates, and Defendants’ burden in doing so would be substantially similar to the  
21 burden for Plaintiffs to do so given that the available information is at least as equally accessible  
22 to Plaintiffs as it is to Defendants.

23 Subject to the General Objections and Responses and these specific objections, after a  
24 reasonable inquiry and based on Defendants’ understanding of these questions, Defendants lack  
25 sufficient knowledge and information to either admit or deny these requests, as the information  
26 sought was not tracked, recorded, or maintained by TomorrowNow in a “readily obtainable  
27 manner.” On this basis, therefore, these requests are DENIED.  
28

**AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 614:**

Defendants incorporate by reference, as if fully set forth herein, all of Defendants' General Objections noted above. Defendants' response is based solely on Defendant TomorrowNow's knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant TomorrowNow in this response. Defendants object to the request because the terms "fix(es)," "update(s)," "tested/test," "individual fix testing," "QA testing," "copying," "central development staging area," "local environment," and "source group" are capable of multiple meanings and thus, make this request overly broad, vague and ambiguous. Defendants object to the phrase "to test the functionality and stability of the fix or update and that it produced the expected results" as being subject to multiple meanings and, as such, being overly broad, vague and ambiguous. Further, Exhibit B lists the names of "master fixes" as that phrase was used by TomorrowNow in the SAS database. TomorrowNow's "master fixes" are not the actual objects included in fixes or updates that are developed for TomorrowNow's customers. "Master fixes" and "master bundles" are records that describe the issue to be addressed and then serve as a record keeping device and reference for that issue and related activity TomorrowNow undertook to address that issue. The actual development of customer-specific objects included in customer-specific fixes and updates was referenced to a "master bundle" or "master fix" record for identification and record keeping purposes. Thus, if this request seeks an admission related to each and every object related to each and every customer-specific fix or update that TomorrowNow developed, then this single request impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this request, Defendants would have to analyze each individual object in each fix or update contained within each master bundle. Defendants, therefore, object on the basis that this request is compound, overly broad and unduly burdensome because it seeks an admission regarding thousands of separate activities that (1) involved many thousands of objects, (2) involved

1 numerous employees, (3) took place over several years, and (4) would require Defendants to  
2 review enormous volumes of business records to attempt to determine an answer, if possible, for  
3 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
4 Defendants object to this request on the basis that Defendants' burden associated with responding  
5 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
6 through this request, especially because the available documents, data and other information from  
7 which the answer, if any, could be derived in response to this request have been produced by  
8 Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available  
9 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and  
10 without waiving the foregoing objections and qualifications, Defendants respond as follows:

11 ADMITTED on the following qualified basis: At least one of the objects associated with  
12 the master fix records referenced in Exhibit B that was developed for a specific group of  
13 TomorrowNow customers on a specific release, was "individual fix tested" (as that phrase was  
14 used by some TomorrowNow employees) by applying the object located in the "development  
15 staging area" (as that phrase was used by some TomorrowNow employees) to a TomorrowNow  
16 customer's specific local environment that was within the specific group of TomorrowNow  
17 customers on a specific release that were intended to receive the object. To the extent not  
18 admitted, this request is DENIED.

19 **REQUEST FOR ADMISSION NO. 615:**

20 Admit that the Local Environment used in the "individual fix testing" or "QA testing"  
21 process described in Requests Nos. 611-614 always utilized a Local Environment different from  
22 the Local Environment TN used to Develop the Fix Objects being tested.

23 **RESPONSE TO REQUEST FOR ADMISSION NO. 615:**

24 Defendants object to this request on the grounds stated in the General Objections and  
25 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
26 respect to the information sought in this request because Defendants SAP AG and SAP America  
27 have no additional knowledge separate and apart from the information provided by Defendant  
28 TomorrowNow in this response. Defendants object to the request because the terms and phrases

1 “local environment,” “used,” “individual fix testing,” “QA testing,” “utilized,” “develop,” and  
2 “tested” are subject to multiple meanings and, as such, are overly broad, vague, and ambiguous.  
3 Defendants further object to the term “Fix Objects” as overly broad, vague, and inaccurate to the  
4 extent it includes the phrase “discrete unit of code.” Defendants respond as if the undefined term  
5 “object” was used in “Fix Objects” place. Further, as noted above, Request Nos. 611-614 refer  
6 to Exhibit B which lists the names of master fixes as that term was used by TomorrowNow in the  
7 SAS database. The master fixes are not the actual objects that are developed for TomorrowNow  
8 customers. Master bundles and master fixes are records that simply identify problems for which  
9 TomorrowNow generally developed objects to resolve. The object development often took place  
10 at the release level, source level, and customer level. If this request is actually asking for  
11 information related each and every object TomorrowNow developed, this number is more in line  
12 with the 33,185 listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for Admissions  
13 to SAP AG, SAP America, and TomorrowNow. To respond to this question, Defendants would  
14 have to analyze each individual object in each fix or update contained within each master bundle.  
15 Defendants, therefore, object to this request as compound and unduly burdensome in that this  
16 request seeks information and activities that (1) involved many thousands of objects, (2) involved  
17 numerous employees, (3) took place over several years, and (4) would require Defendants to  
18 review substantial business records to determine an answer, if possible, for each of the numerous  
19 numbers of objects contained within the fixes and updates, and Defendants’ burden in doing so  
20 would be substantially similar to the burden for Plaintiffs to do so given that the available  
21 information is at least as equally accessible to Plaintiffs as it is to Defendants.

22 Subject to the General Objections and Responses and these specific objections, after a  
23 reasonable inquiry and based on Defendants’ understanding of these questions, Defendants lack  
24 sufficient knowledge and information to either admit or deny these requests, as the information  
25 sought was not tracked, recorded, or maintained by TomorrowNow in a “readily obtainable  
26 manner.” On this basis, therefore, these requests are DENIED.

27 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 615:**

28 Defendants incorporate by reference, as if fully set forth herein, all of Defendants’

1 General Objections noted above. Defendants' response is based solely on Defendant  
2 TomorrowNow's knowledge with respect to the information sought in this request because  
3 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
4 information provided by Defendant TomorrowNow in this response. Defendants object to the  
5 request because the terms "local environment," "used," "individual fix testing," "QA testing,"  
6 "utilized," and "tested" are capable of multiple meanings and thus, make this request overly broad,  
7 vague and ambiguous. Defendants also object to this request because it incorrectly assumes that  
8 Request Nos. 611-614 are admitted and because the reference to those five requests make this  
9 request compound, overly broad, vague and ambiguous. Further, as noted above, Request Nos.  
10 611-614 refer to Exhibit B which lists the names of "master fixes" as that phrase was used by  
11 TomorrowNow in the SAS database. TomorrowNow's "master fixes" are not the actual objects  
12 included in fixes or updates that are developed for TomorrowNow's customers. "Master fixes"  
13 and "master bundles" are records that describe the issue to be addressed and then serve as a  
14 record keeping device and reference for that issue and related activity TomorrowNow undertook  
15 to address that issue. The actual development of customer-specific objects included in customer-  
16 specific fixes and updates was referenced to a "master bundle" or "master fix" record for  
17 identification and record keeping purposes. Thus, if this request seeks an admission related to  
18 each and every object related to each and every customer-specific fix or update that  
19 TomorrowNow developed, then this single request impermissibly seeks literally thousands of  
20 admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects  
21 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG,  
22 SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
23 request, Defendants would have to analyze each individual object in each fix or update contained  
24 within each master bundle. Defendants, therefore, object on the basis that this request is  
25 compound, overly broad and unduly burdensome because it seeks an admission regarding  
26 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
27 numerous employees, (3) took place over several years, and (4) would require Defendants to  
28 review enormous volumes of business records to attempt to determine an answer, if possible, for

1 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
2 Defendants object to this request on the basis that Defendants' burden associated with responding  
3 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
4 through this request, especially because the available documents, data and other information from  
5 which the answer, if any, could be derived in response to this request have been produced by  
6 Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available  
7 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and  
8 without waiving the foregoing objections and qualifications, Defendants respond as follows:

9 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
10 information Defendants currently know or can readily obtain, Defendants have insufficient  
11 information to admit or deny this request.

12 **REQUEST FOR ADMISSION NO. 616:**

13 Admit that the Local Environment used in the "individual fix testing" or "QA testing"  
14 process described in Requests Nos. 611-614 usually utilized a Local Environment different from  
15 the Local Environment TN used to Develop the Fix Objects being tested.

16 **RESPONSE TO REQUEST FOR ADMISSION NO. 616:**

17 Defendants object to this request on the grounds stated in the General Objections and  
18 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
19 respect to the information sought in this request because Defendants SAP AG and SAP America  
20 have no additional knowledge separate and apart from the information provided by Defendant  
21 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
22 "local environment," "used," "individual fix testing," "QA testing," "utilized," "develop,"  
23 "usually," and "tested" are subject to multiple meanings and, as such, are overly broad, vague,  
24 and ambiguous. Defendants further object to the term "Fix Objects" as overly broad, vague, and  
25 inaccurate to the extent it includes the phrase "discrete unit of code." Defendants respond as if  
26 the undefined term "object" was used in "Fix Objects" place. Further, as noted above, Request  
27 Nos. 611-614 refer to Exhibit B which lists the names of master fixes as that term was used by  
28 TomorrowNow in the SAS database. The master fixes are not the actual objects that are

1 developed for TomorrowNow customers. Master bundles and master fixes are records that  
2 simply identify problems for which TomorrowNow generally developed objects to resolve. The  
3 object development often took place at the release level, source level, and customer level. If this  
4 request is actually asking for information related each and every object TomorrowNow developed,  
5 this number is more in line with the 33,185 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set  
6 of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this  
7 question, Defendants would have to analyze each individual object in each fix or update  
8 contained within each master bundle. Defendants, therefore, object to this request as compound  
9 and unduly burdensome in that this request seeks information and activities that (1) involved  
10 many thousands of objects, (2) involved numerous employees, (3) took place over several years,  
11 and (4) would require Defendants to review substantial business records to determine an answer,  
12 if possible, for each of the numerous numbers of objects contained within the fixes and updates,  
13 and Defendants' burden in doing so would be substantially similar to the burden for Plaintiffs to  
14 do so given that the available information is at least as equally accessible to Plaintiffs as it is to  
15 Defendants.

16 Subject to the General Objections and Responses and these specific objections, after a  
17 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
18 sufficient knowledge and information to either admit or deny these requests, as the information  
19 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
20 manner." On this basis, therefore, these requests are DENIED.

21 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 616:**

22 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
23 General Objections noted above. Defendants' response is based solely on Defendant  
24 TomorrowNow's knowledge with respect to the information sought in this request because  
25 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
26 information provided by Defendant TomorrowNow in this response. Defendants object to the  
27 request because the terms "local environment," "used," "individual fix testing," "QA testing,"  
28 "utilized," "usually" and "tested" are capable of multiple meanings and thus, make this request

1 overly broad, vague and ambiguous. Defendants also object to this request because it incorrectly  
2 assumes that Request Nos. 611-614 are admitted and because the reference to those five requests  
3 make this request compound, overly broad, vague and ambiguous. Further, as noted above,  
4 Request Nos. 611-614 refer to Exhibit B which lists the names of “master fixes” as that phrase  
5 was used by TomorrowNow in the SAS database. TomorrowNow’s “master fixes” are not the  
6 actual objects included in fixes or updates that are developed for TomorrowNow’s customers.  
7 “Master fixes” and “master bundles” are records that describe the issue to be addressed and then  
8 serve as a record keeping device and reference for that issue and related activity TomorrowNow  
9 undertook to address that issue. The actual development of customer-specific objects included in  
10 customer-specific fixes and updates was referenced to a “master bundle” or “master fix” record  
11 for identification and record keeping purposes. Thus, if this request seeks an admission related to  
12 each and every object related to each and every customer-specific fix or update that  
13 TomorrowNow developed, then this single request impermissibly seeks literally thousands of  
14 admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects  
15 listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for Admissions to SAP AG,  
16 SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
17 request, Defendants would have to analyze each individual object in each fix or update contained  
18 within each master bundle. Defendants, therefore, object on the basis that this request is  
19 compound, overly broad and unduly burdensome because it seeks an admission regarding  
20 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
21 numerous employees, (3) took place over several years, and (4) would require Defendants to  
22 review enormous volumes of business records to attempt to determine an answer, if possible, for  
23 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
24 Defendants object to this request on the basis that Defendants’ burden associated with responding  
25 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
26 through this request, especially because the available documents, data and other information from  
27 which the answer, if any, could be derived in response to this request have been produced by  
28 Defendants in response to Plaintiffs’ other discovery requests and thus any relevant, available



1 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and  
2 without waiving the foregoing objections and qualifications, Defendants respond as follows:

3 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
4 information Defendants currently know or can readily obtain, Defendants have insufficient  
5 information to admit or deny this request.

6 **REQUEST FOR ADMISSION NO. 617:**

7 Admit that the Local Environment used in the “individual fix testing” or “QA testing”  
8 process described in Requests Nos. 611-614 more often than not utilized a Local Environment  
9 different from the Local Environment TN used to Develop the Fix Objects being tested.

10 **RESPONSE TO REQUEST FOR ADMISSION NO. 617:**

11 Defendants object to this request on the grounds stated in the General Objections and  
12 Responses. Defendants’ response is based solely on Defendant TomorrowNow’s knowledge with  
13 respect to the information sought in this request because Defendants SAP AG and SAP America  
14 have no additional knowledge separate and apart from the information provided by Defendant  
15 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
16 “local environment,” “used,” “individual fix testing,” “QA testing,” “utilized,” “develop,” “more  
17 often than not,” and “tested” are subject to multiple meanings and, as such, are overly broad,  
18 vague, and ambiguous. Defendants further object to the term “Fix Objects” as overly broad,  
19 vague, and inaccurate to the extent it includes the phrase “discrete unit of code.” Defendants  
20 respond as if the undefined term “object” was used in “Fix Objects” place. Further, as noted  
21 above, Request Nos. 611-614 refer to Exhibit B which lists the names of master fixes as that term  
22 was used by TomorrowNow in the SAS database. The master fixes are not the actual objects that  
23 are developed for TomorrowNow customers. Master bundles and master fixes are records that  
24 simply identify problems for which TomorrowNow generally developed objects to resolve. The  
25 object development often took place at the release level, source level, and customer level. If this  
26 request is actually asking for information related each and every object TomorrowNow developed,  
27 this number is more in line with the 33,185 listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set  
28 of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this

1 question, Defendants would have to analyze each individual object in each fix or update  
2 contained within each master bundle. Defendants, therefore, object to this request as compound  
3 and unduly burdensome in that this request seeks information and activities that (1) involved  
4 many thousands of objects, (2) involved numerous employees, (3) took place over several years,  
5 and (4) would require Defendants to review substantial business records to determine an answer,  
6 if possible, for each of the numerous numbers of objects contained within the fixes and updates,  
7 and Defendants' burden in doing so would be substantially similar to the burden for Plaintiffs to  
8 do so given that the available information is at least as equally accessible to Plaintiffs as it is to  
9 Defendants.

10 Subject to the General Objections and Responses and these specific objections, after a  
11 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
12 sufficient knowledge and information to either admit or deny these requests, as the information  
13 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
14 manner." On this basis, therefore, these requests are DENIED.

15 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 617:**

16 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
17 General Objections noted above. Defendants' response is based solely on Defendant  
18 TomorrowNow's knowledge with respect to the information sought in this request because  
19 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
20 information provided by Defendant TomorrowNow in this response. Defendants object to the  
21 request because the terms "local environment," "used," "individual fix testing," "QA testing,"  
22 "utilized," and "tested" are capable of multiple meanings and thus, make this request overly broad,  
23 vague and ambiguous. Defendants also object to this request because it incorrectly assumes that  
24 Request Nos. 611-614 are admitted and because the reference to those five requests make this  
25 request compound, overly broad, vague and ambiguous. Further, as noted above, Request Nos.  
26 611-614 refer to Exhibit B which lists the names of "master fixes" as that phrase was used by  
27 TomorrowNow in the SAS database. TomorrowNow's "master fixes" are not the actual objects  
28 included in fixes or updates that are developed for TomorrowNow's customers. "Master fixes"

1 and “master bundles” are records that describe the issue to be addressed and then serve as a  
2 record keeping device and reference for that issue and related activity TomorrowNow undertook  
3 to address that issue. The actual development of customer-specific objects included in customer-  
4 specific fixes and updates was referenced to a “master bundle” or “master fix” record for  
5 identification and record keeping purposes. Thus, if this request seeks an admission related to  
6 each and every object related to each and every customer-specific fix or update that  
7 TomorrowNow developed, then this single request impermissibly seeks literally thousands of  
8 admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects  
9 listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for Admissions to SAP AG,  
10 SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
11 request, Defendants would have to analyze each individual object in each fix or update contained  
12 within each master bundle. Defendants, therefore, object on the basis that this request is  
13 compound, overly broad and unduly burdensome because it seeks an admission regarding  
14 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
15 numerous employees, (3) took place over several years, and (4) would require Defendants to  
16 review enormous volumes of business records to attempt to determine an answer, if possible, for  
17 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
18 Defendants object to this request on the basis that Defendants’ burden associated with responding  
19 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
20 through this request, especially because the available documents, data and other information from  
21 which the answer, if any, could be derived in response to this request have been produced by  
22 Defendants in response to Plaintiffs’ other discovery requests and thus any relevant, available  
23 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and  
24 without waiving the foregoing objections and qualifications, Defendants respond as follows:

25 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
26 information Defendants currently know or can readily obtain, Defendants have insufficient  
27 information to admit or deny this request.  
28

1 **REQUEST FOR ADMISSION NO. 618:**

2 Admit that the Local Environment used in the “individual fix testing” or “QA testing”  
3 process described in Requests Nos. 611-614 generally utilized a Local Environment different  
4 from the Local Environment TN used to Develop the Fix Objects being tested.

5 **RESPONSE TO REQUEST FOR ADMISSION NO. 618:**

6 Defendants object to this request on the grounds stated in the General Objections and  
7 Responses. Defendants’ response is based solely on Defendant TomorrowNow’s knowledge with  
8 respect to the information sought in this request because Defendants SAP AG and SAP America  
9 have no additional knowledge separate and apart from the information provided by Defendant  
10 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
11 “local environment,” “used,” “individual fix testing,” “QA testing,” “utilized,” “develop,”  
12 “generally,” and “tested” are subject to multiple meanings and, as such, are overly broad, vague,  
13 and ambiguous. Defendants further object to the term “Fix Objects” as overly broad, vague, and  
14 inaccurate to the extent it includes the phrase “discrete unit of code.” Defendants respond as if  
15 the undefined term “object” was used in “Fix Objects” place. Further, as noted above, Request  
16 Nos. 611-614 refer to Exhibit B which lists the names of master fixes as that term was used by  
17 TomorrowNow in the SAS database. The master fixes are not the actual objects that are  
18 developed for TomorrowNow customers. Master bundles and master fixes are records that  
19 simply identify problems for which TomorrowNow generally developed objects to resolve. The  
20 object development often took place at the release level, source level, and customer level. If this  
21 request is actually asking for information related each and every object TomorrowNow developed,  
22 this number is more in line with the 33,185 listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set  
23 of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this  
24 question, Defendants would have to analyze each individual object in each fix or update  
25 contained within each master bundle. Defendants, therefore, object to this request as compound  
26 and unduly burdensome in that this request seeks information and activities that (1) involved  
27 many thousands of objects, (2) involved numerous employees, (3) took place over several years,  
28 and (4) would require Defendants to review substantial business records to determine an answer,

1 if possible, for each of the numerous numbers of objects contained within the fixes and updates,  
2 and Defendants' burden in doing so would be substantially similar to the burden for Plaintiffs to  
3 do so given that the available information is at least as equally accessible to Plaintiffs as it is to  
4 Defendants.

5 Subject to the General Objections and Responses and these specific objections, after a  
6 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
7 sufficient knowledge and information to either admit or deny these requests, as the information  
8 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
9 manner." On this basis, therefore, these requests are DENIED.

10 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 618:**

11 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
12 General Objections noted above. Defendants' response is based solely on Defendant  
13 TomorrowNow's knowledge with respect to the information sought in this request because  
14 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
15 information provided by Defendant TomorrowNow in this response. Defendants object to the  
16 request because the terms "local environment," "used," "individual fix testing," "QA testing,"  
17 "utilized," "generally" and "tested" are capable of multiple meanings and thus, make this request  
18 overly broad, vague and ambiguous. Defendants also object to this request because it incorrectly  
19 assumes that Request Nos. 611-614 are admitted and because the reference to those five requests  
20 make this request compound, overly broad, vague and ambiguous. Further, as noted above,  
21 Request Nos. 611-614 refer to Exhibit B which lists the names of "master fixes" as that phrase  
22 was used by TomorrowNow in the SAS database. TomorrowNow's "master fixes" are not the  
23 actual objects included in fixes or updates that are developed for TomorrowNow's customers.  
24 "Master fixes" and "master bundles" are records that describe the issue to be addressed and then  
25 serve as a record keeping device and reference for that issue and related activity TomorrowNow  
26 undertook to address that issue. The actual development of customer-specific objects included in  
27 customer-specific fixes and updates was referenced to a "master bundle" or "master fix" record  
28 for identification and record keeping purposes. Thus, if this request seeks an admission related to

1 each and every object related to each and every customer-specific fix or update that  
2 TomorrowNow developed, then this single request impermissibly seeks literally thousands of  
3 admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects  
4 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG,  
5 SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
6 request, Defendants would have to analyze each individual object in each fix or update contained  
7 within each master bundle. Defendants, therefore, object on the basis that this request is  
8 compound, overly broad and unduly burdensome because it seeks an admission regarding  
9 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
10 numerous employees, (3) took place over several years, and (4) would require Defendants to  
11 review enormous volumes of business records to attempt to determine an answer, if possible, for  
12 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
13 Defendants object to this request on the basis that Defendants' burden associated with responding  
14 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
15 through this request, especially because the available documents, data and other information from  
16 which the answer, if any, could be derived in response to this request have been produced by  
17 Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available  
18 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and  
19 without waiving the foregoing objections and qualifications, Defendants respond as follows:

20 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
21 information Defendants currently know or can readily obtain, Defendants have insufficient  
22 information to admit or deny this request.

23 **REQUEST FOR ADMISSION NO. 619:**

24 Admit that the Local Environment used in the "individual fix testing" or "QA testing"  
25 process described in Requests Nos. 611-614 sometimes utilized a Local Environment different  
26 from the Local Environment TN used to Develop the Fix Objects being tested.

27 **RESPONSE TO REQUEST FOR ADMISSION NO. 619:**

28 Defendants object to this request on the grounds stated in the General Objections and

1 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
2 respect to the information sought in this request because Defendants SAP AG and SAP America  
3 have no additional knowledge separate and apart from the information provided by Defendant  
4 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
5 "local environment," "used," "individual fix testing," "QA testing," "utilized," "develop,"  
6 "sometimes," and "tested" are subject to multiple meanings and, as such, are overly broad, vague,  
7 and ambiguous. Defendants further object to the term "Fix Objects" as overly broad, vague, and  
8 inaccurate to the extent it includes the phrase "discrete unit of code." Defendants respond as if  
9 the undefined term "object" was used in "Fix Objects" place. Further, as noted above, Request  
10 Nos. 611-614 refer to Exhibit B which lists the names of master fixes as that term was used by  
11 TomorrowNow in the SAS database. The master fixes are not the actual objects that are  
12 developed for TomorrowNow customers. Master bundles and master fixes are records that  
13 simply identify problems for which TomorrowNow generally developed objects to resolve. The  
14 object development often took place at the release level, source level, and customer level. If this  
15 request is actually asking for information related each and every object TomorrowNow developed,  
16 this number is more in line with the 33,185 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set  
17 of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this  
18 question, Defendants would have to analyze each individual object in each fix or update  
19 contained within each master bundle. Defendants, therefore, object to this request as compound  
20 and unduly burdensome in that this request seeks information and activities that (1) involved  
21 many thousands of objects, (2) involved numerous employees, (3) took place over several years,  
22 and (4) would require Defendants to review substantial business records to determine an answer,  
23 if possible, for each of the numerous numbers of objects contained within the fixes and updates,  
24 and Defendants' burden in doing so would be substantially similar to the burden for Plaintiffs to  
25 do so given that the available information is at least as equally accessible to Plaintiffs as it is to  
26 Defendants.

27 Subject to the General Objections and Responses and these specific objections, after a  
28 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack

1 sufficient knowledge and information to either admit or deny these requests, as the information  
2 sought was not tracked, recorded, or maintained by TomorrowNow in a “readily obtainable  
3 manner.” On this basis, therefore, these requests are DENIED.

4 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 619:**

5 Defendants incorporate by reference, as if fully set forth herein, all of Defendants’  
6 General Objections noted above. Defendants’ response is based solely on Defendant  
7 TomorrowNow’s knowledge with respect to the information sought in this request because  
8 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
9 information provided by Defendant TomorrowNow in this response. Defendants object to the  
10 request because the terms “local environment,” “used,” “individual fix testing,” “QA testing,”  
11 “utilized,” “sometimes,” and “tested” are capable of multiple meanings and thus, make this  
12 request overly broad, vague and ambiguous. Defendants also object to this request because it  
13 incorrectly assumes that Request Nos. 611-614 are admitted and because the reference to those  
14 five requests make this request compound, overly broad, vague and ambiguous. Further, as noted  
15 above, Request Nos. 611-614 refer to Exhibit B which lists the names of “master fixes” as that  
16 phrase was used by TomorrowNow in the SAS database. TomorrowNow’s “master fixes” are not  
17 the actual objects included in fixes or updates that are developed for TomorrowNow’s customers.  
18 “Master fixes” and “master bundles” are records that describe the issue to be addressed and then  
19 serve as a record keeping device and reference for that issue and related activity TomorrowNow  
20 undertook to address that issue. The actual development of customer-specific objects included in  
21 customer-specific fixes and updates was referenced to a “master bundle” or “master fix” record  
22 for identification and record keeping purposes. Thus, if this request seeks an admission related to  
23 each and every object related to each and every customer-specific fix or update that  
24 TomorrowNow developed, then this single request impermissibly seeks literally thousands of  
25 admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects  
26 listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for Admissions to SAP AG,  
27 SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
28 request, Defendants would have to analyze each individual object in each fix or update contained



1 within each master bundle. Defendants, therefore, object on the basis that this request is  
2 compound, overly broad and unduly burdensome because it seeks an admission regarding  
3 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
4 numerous employees, (3) took place over several years, and (4) would require Defendants to  
5 review enormous volumes of business records to attempt to determine an answer, if possible, for  
6 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
7 Defendants object to this request on the basis that Defendants' burden associated with responding  
8 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
9 through this request, especially because the available documents, data and other information from  
10 which the answer, if any, could be derived in response to this request have been produced by  
11 Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available  
12 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and  
13 without waiving the foregoing objections and qualifications, Defendants respond as follows:

14 ADMITTED on the following qualified basis: TomorrowNow reasonably believes that  
15 TomorrowNow employees sometimes (meaning more than once) used a different TomorrowNow  
16 customer's specific local environment to "individual fix test" (as that phrase was used by some  
17 TomorrowNow employees) the object than the TomorrowNow customer's specific local  
18 environment that was used to develop the object for the specific group of TomorrowNow  
19 customers on a specific release that were intended to receive the object. To the extent not  
20 admitted, this request is DENIED.

21 **REQUEST FOR ADMISSION NO. 620:**

22 Admit that if the "individual fix testing" or "QA testing" process described in Requests  
23 Nos. 611-614 resulted in output files, such as reports intended for a regulatory agency, TN would  
24 always compare such output files to the output files generated from the testing for other releases  
25 or "source groups" (as the term is used in Requests Nos. 576-579).

26 **RESPONSE TO REQUEST FOR ADMISSION NO. 620:**

27 Defendants object to this request on the grounds stated in the General Objections and  
28 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with

1 respect to the information sought in this request because Defendants SAP AG and SAP America  
2 have no additional knowledge separate and apart from the information provided by Defendant  
3 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
4 “individual fix testing,” “QA testing,” “output files,” “compare,” “generated,” “testing,” “other  
5 releases,” and “source groups” are subject to multiple meanings and, as such, are overly broad,  
6 vague, and ambiguous. Further, as noted above, Request Nos. 611-614 refer to Exhibit B which  
7 lists the names of master fixes as that term was used by TomorrowNow in the SAS database. The  
8 master fixes are not the actual objects that are developed for TomorrowNow customers. Master  
9 bundles and master fixes are records that simply identify problems for which TomorrowNow  
10 generally developed objects to resolve. The object development often took place at the release  
11 level, source level, and customer level. If this request is actually asking for information related to  
12 each and every object TomorrowNow developed, this number is more in line with the 33,185  
13 listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for Admissions to SAP AG,  
14 SAP America, and TomorrowNow. To respond to this question, Defendants would have to  
15 analyze each individual object in each fix or update contained within each master bundle.  
16 Defendants, therefore, object to this request as compound and unduly burdensome in that this  
17 request seeks information and activities that (1) involved many thousands of objects, (2) involved  
18 numerous employees, (3) took place over several years, and (4) would require Defendants to  
19 review substantial business records to determine an answer, if possible, for each of the numerous  
20 numbers of objects contained within the fixes and updates, and Defendants’ burden in doing so  
21 would be substantially similar to the burden for Plaintiffs to do so given that the available  
22 information is at least as equally accessible to Plaintiffs as it is to Defendants.

23 Subject to the General Objections and Responses and these specific objections, after a  
24 reasonable inquiry and based on Defendants’ understanding of these questions, Defendants lack  
25 sufficient knowledge and information to either admit or deny these requests, as the information  
26 sought was not tracked, recorded, or maintained by TomorrowNow in a “readily obtainable  
27 manner.” On this basis, therefore, these requests are DENIED.

28

**AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 620:**

Defendants incorporate by reference, as if fully set forth herein, all of Defendants' General Objections noted above. Defendants' response is based solely on Defendant TomorrowNow's knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant TomorrowNow in this response. Defendants object to the request because the terms "individual fix testing," "QA testing," "output files," "compare," "generated," "testing," "other releases," and "source groups" are capable of multiple meanings and thus, make this request overly broad, vague and ambiguous. Defendants also object to this request because it incorrectly assumes that Request Nos. 611-614 are admitted and because the reference to those five requests make this request compound, overly broad, vague and ambiguous. Further, as noted above, Request Nos. 611-614 refer to Exhibit B which lists the names of "master fixes" as that phrase was used by TomorrowNow in the SAS database. TomorrowNow's "master fixes" are not the actual objects included in fixes or updates that are developed for TomorrowNow's customers. "Master fixes" and "master bundles" are records that describe the issue to be addressed and then serve as a record keeping device and reference for that issue and related activity TomorrowNow undertook to address that issue. The actual development of customer-specific objects included in customer-specific fixes and updates was referenced to a "master bundle" or "master fix" record for identification and record keeping purposes. Thus, if this request seeks an admission related to each and every object related to each and every customer-specific fix or update that TomorrowNow developed, then this single request impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this request, Defendants would have to analyze each individual object in each fix or update contained within each master bundle. Defendants, therefore, object on the basis that this request is compound, overly broad and unduly burdensome because it seeks an admission regarding thousands of separate activities that (1) involved many

1 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
2 would require Defendants to review enormous volumes of business records to attempt to  
3 determine an answer, if possible, for each of the numerous objects contained within the  
4 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
5 Defendants' burden associated with responding to this request is substantially similar to the  
6 burden for Plaintiffs to obtain the information sought through this request, especially because the  
7 available documents, data and other information from which the answer, if any, could be derived  
8 in response to this request have been produced by Defendants in response to Plaintiffs' other  
9 discovery requests and thus any relevant, available information is now as equally accessible to  
10 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
11 qualifications, Defendants respond as follows:

12 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
13 information Defendants currently know or can readily obtain, Defendants have insufficient  
14 information to admit or deny this request.

15 **REQUEST FOR ADMISSION NO. 621:**

16 Admit that if the "individual fix testing" or "QA testing" process described in Requests  
17 Nos. 611-614 resulted in output files, such as reports intended for a regulatory agency, TN would  
18 usually compare such output files to the output files generated from the testing for other releases  
19 or "source groups" (as the term is used in Requests Nos. 576-579).

20 **RESPONSE TO REQUEST FOR ADMISSION NO. 621:**

21 Defendants object to this request on the grounds stated in the General Objections and  
22 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
23 respect to the information sought in this request because Defendants SAP AG and SAP America  
24 have no additional knowledge separate and apart from the information provided by Defendant  
25 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
26 "individual fix testing," "QA testing," "output files," "compare," "generated," "testing," "other  
27 releases," "usually," and "source groups" are subject to multiple meanings and, as such, are  
28 overly broad, vague, and ambiguous. Further, as noted above, Request Nos. 611-614 refer to

1 Exhibit B which lists the names of master fixes as that term was used by TomorrowNow in the  
2 SAS database. The master fixes are not the actual objects that are developed for TomorrowNow  
3 customers. Master bundles and master fixes are records that simply identify problems for which  
4 TomorrowNow generally developed objects to resolve. The object development often took place  
5 at the release level, source level, and customer level. If this request is actually asking for  
6 information related to each and every object TomorrowNow developed, this number is more in  
7 line with the 33,185 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for  
8 Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this question,  
9 Defendants would have to analyze each individual object in each fix or update contained within  
10 each master bundle. Defendants, therefore, object to this request as compound and unduly  
11 burdensome in that this request seeks information and activities that (1) involved many thousands  
12 of objects, (2) involved numerous employees, (3) took place over several years, and (4) would  
13 require Defendants to review substantial business records to determine an answer, if possible, for  
14 each of the numerous numbers of objects contained within the fixes and updates, and Defendants'  
15 burden in doing so would be substantially similar to the burden for Plaintiffs to do so given that  
16 the available information is at least as equally accessible to Plaintiffs as it is to Defendants.

17 Subject to the General Objections and Responses and these specific objections, after a  
18 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
19 sufficient knowledge and information to either admit or deny these requests, as the information  
20 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
21 manner." On this basis, therefore, these requests are DENIED.

22 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 621:**

23 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
24 General Objections noted above. Defendants' response is based solely on Defendant  
25 TomorrowNow's knowledge with respect to the information sought in this request because  
26 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
27 information provided by Defendant TomorrowNow in this response. Defendants object to the  
28 request because the terms "individual fix testing," "QA testing," "output files," "compare,"

1 “generated,” “testing,” “other releases,” “usually,” and “source groups” are capable of multiple  
2 meanings and thus, make this request overly broad, vague and ambiguous. Defendants also  
3 object to this request because it incorrectly assumes that Request Nos. 611-614 are admitted and  
4 because the reference to those five requests make this request compound, overly broad, vague and  
5 ambiguous. Further, as noted above, Request Nos. 611-614 refer to Exhibit B which lists the  
6 names of “master fixes” as that phrase was used by TomorrowNow in the SAS database.  
7 TomorrowNow’s “master fixes” are not the actual objects included in fixes or updates that are  
8 developed for TomorrowNow’s customers. “Master fixes” and “master bundles” are records that  
9 describe the issue to be addressed and then serve as a record keeping device and reference for that  
10 issue and related activity TomorrowNow undertook to address that issue. The actual  
11 development of customer-specific objects included in customer-specific fixes and updates was  
12 referenced to a “master bundle” or “master fix” record for identification and record keeping  
13 purposes. Thus, if this request seeks an admission related to each and every object related to each  
14 and every customer-specific fix or update that TomorrowNow developed, then this single request  
15 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
16 impermissibly seek regarding the 33,185 objects listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third  
17 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
18 intent of this request, then to respond to this request, Defendants would have to analyze each  
19 individual object in each fix or update contained within each master bundle. Defendants,  
20 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
21 because it seeks an admission regarding thousands of separate activities that (1) involved many  
22 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
23 would require Defendants to review enormous volumes of business records to attempt to  
24 determine an answer, if possible, for each of the numerous objects contained within the  
25 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
26 Defendants’ burden associated with responding to this request is substantially similar to the  
27 burden for Plaintiffs to obtain the information sought through this request, especially because the  
28 available documents, data and other information from which the answer, if any, could be derived

1 in response to this request have been produced by Defendants in response to Plaintiffs' other  
2 discovery requests and thus any relevant, available information is now as equally accessible to  
3 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
4 qualifications, Defendants respond as follows:

5 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
6 information Defendants currently know or can readily obtain, Defendants have insufficient  
7 information to admit or deny this request.

8 **REQUEST FOR ADMISSION NO. 622:**

9 Admit that if the "individual fix testing" or "QA testing" process described in Requests  
10 Nos. 611-614 resulted in output files, such as reports intended for a regulatory agency, TN would  
11 more often than not compare such output files to the output files generated from the testing for  
12 other releases or "source groups" (as the term is used in Requests Nos. 576-579).

13 **RESPONSE TO REQUEST FOR ADMISSION NO. 622:**

14 Defendants object to this request on the grounds stated in the General Objections and  
15 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
16 respect to the information sought in this request because Defendants SAP AG and SAP America  
17 have no additional knowledge separate and apart from the information provided by Defendant  
18 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
19 "individual fix testing," "QA testing," "output files," "compare," "generated," "testing," "other  
20 releases," "more often than not," and "source groups" are subject to multiple meanings and, as  
21 such, are overly broad, vague, and ambiguous. Further, as noted above, Request Nos. 611-614  
22 refer to Exhibit B which lists the names of master fixes as that term was used by TomorrowNow  
23 in the SAS database. The master fixes are not the actual objects that are developed for  
24 TomorrowNow customers. Master bundles and master fixes are records that simply identify  
25 problems for which TomorrowNow generally developed objects to resolve. The object  
26 development often took place at the release level, source level, and customer level. If this request  
27 is actually asking for information related to each and every object TomorrowNow developed, this  
28 number is more in line with the 33,185 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of

1 Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this  
2 question, Defendants would have to analyze each individual object in each fix or update  
3 contained within each master bundle. Defendants, therefore, object to this request as compound  
4 and unduly burdensome in that this request seeks information and activities that (1) involved  
5 many thousands of objects, (2) involved numerous employees, (3) took place over several years,  
6 and (4) would require Defendants to review substantial business records to determine an answer,  
7 if possible, for each of the numerous numbers of objects contained within the fixes and updates,  
8 and Defendants' burden in doing so would be substantially similar to the burden for Plaintiffs to  
9 do so given that the available information is at least as equally accessible to Plaintiffs as it is to  
10 Defendants.

11 Subject to the General Objections and Responses and these specific objections, after a  
12 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
13 sufficient knowledge and information to either admit or deny these requests, as the information  
14 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
15 manner." On this basis, therefore, these requests are DENIED.

16 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 622:**

17 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
18 General Objections noted above. Defendants' response is based solely on Defendant  
19 TomorrowNow's knowledge with respect to the information sought in this request because  
20 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
21 information provided by Defendant TomorrowNow in this response. Defendants object to the  
22 request because the terms "individual fix testing," "QA testing," "output files," "compare,"  
23 "generated," "testing," "other releases," and "source groups" are capable of multiple meanings  
24 and thus, make this request overly broad, vague and ambiguous. Defendants also object to this  
25 request because it incorrectly assumes that Request Nos. 611-614 are admitted and because the  
26 reference to those five requests make this request compound, overly broad, vague and ambiguous.  
27 Further, as noted above, Request Nos. 611-614 refer to Exhibit B which lists the names of  
28 "master fixes" as that phrase was used by TomorrowNow in the SAS database. TomorrowNow's



1 “master fixes” are not the actual objects included in fixes or updates that are developed for  
2 TomorrowNow’s customers. “Master fixes” and “master bundles” are records that describe the  
3 issue to be addressed and then serve as a record keeping device and reference for that issue and  
4 related activity TomorrowNow undertook to address that issue. The actual development of  
5 customer-specific objects included in customer-specific fixes and updates was referenced to a  
6 “master bundle” or “master fix” record for identification and record keeping purposes. Thus, if  
7 this request seeks an admission related to each and every object related to each and every  
8 customer-specific fix or update that TomorrowNow developed, then this single request  
9 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
10 impermissibly seek regarding the 33,185 objects listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third  
11 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
12 intent of this request, then to respond to this request, Defendants would have to analyze each  
13 individual object in each fix or update contained within each master bundle. Defendants,  
14 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
15 because it seeks an admission regarding thousands of separate activities that (1) involved many  
16 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
17 would require Defendants to review enormous volumes of business records to attempt to  
18 determine an answer, if possible, for each of the numerous objects contained within the  
19 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
20 Defendants’ burden associated with responding to this request is substantially similar to the  
21 burden for Plaintiffs to obtain the information sought through this request, especially because the  
22 available documents, data and other information from which the answer, if any, could be derived  
23 in response to this request have been produced by Defendants in response to Plaintiffs’ other  
24 discovery requests and thus any relevant, available information is now as equally accessible to  
25 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
26 qualifications, Defendants respond as follows:

27 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
28 information Defendants currently know or can readily obtain, Defendants have insufficient

1 information to admit or deny this request.

2 **REQUEST FOR ADMISSION NO. 623:**

3 Admit that if the “individual fix testing” or “QA testing” process described in Requests  
4 Nos. 611-614 resulted in output files, such as reports intended for a regulatory agency, TN would  
5 generally compare such output files to the output files generated from the testing for other  
6 releases or “source groups” (as the term is used in Requests Nos. 576-579).

7 **RESPONSE TO REQUEST FOR ADMISSION NO. 623:**

8 Defendants object to this request on the grounds stated in the General Objections and  
9 Responses. Defendants’ response is based solely on Defendant TomorrowNow’s knowledge with  
10 respect to the information sought in this request because Defendants SAP AG and SAP America  
11 have no additional knowledge separate and apart from the information provided by Defendant  
12 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
13 “individual fix testing,” “QA testing,” “output files,” “compare,” “generated,” “testing,” “other  
14 releases,” “generally,” and “source groups” are subject to multiple meanings and, as such, are  
15 overly broad, vague, and ambiguous. Further, as noted above, Request Nos. 611-614 refer to  
16 Exhibit B which lists the names of master fixes as that term was used by TomorrowNow in the  
17 SAS database. The master fixes are not the actual objects that are developed for TomorrowNow  
18 customers. Master bundles and master fixes are records that simply identify problems for which  
19 TomorrowNow generally developed objects to resolve. The object development often took place  
20 at the release level, source level, and customer level. If this request is actually asking for  
21 information related to each and every object TomorrowNow developed, this number is more in  
22 line with the 33,185 listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for  
23 Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this question,  
24 Defendants would have to analyze each individual object in each fix or update contained within  
25 each master bundle. Defendants, therefore, object to this request as compound and unduly  
26 burdensome in that this request seeks information and activities that (1) involved many thousands  
27 of objects, (2) involved numerous employees, (3) took place over several years, and (4) would  
28 require Defendants to review substantial business records to determine an answer, if possible, for

1 each of the numerous numbers of objects contained within the fixes and updates, and Defendants'  
2 burden in doing so would be substantially similar to the burden for Plaintiffs to do so given that  
3 the available information is at least as equally accessible to Plaintiffs as it is to Defendants.

4 Subject to the General Objections and Responses and these specific objections, after a  
5 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
6 sufficient knowledge and information to either admit or deny these requests, as the information  
7 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
8 manner." On this basis, therefore, these requests are DENIED.

9 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 623:**

10 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
11 General Objections noted above. Defendants' response is based solely on Defendant  
12 TomorrowNow's knowledge with respect to the information sought in this request because  
13 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
14 information provided by Defendant TomorrowNow in this response. Defendants object to the  
15 request because the terms "individual fix testing," "QA testing," "output files," "compare,"  
16 "generated," "testing," "other releases," "generally," and "source groups" are capable of multiple  
17 meanings and thus, make this request overly broad, vague and ambiguous. Defendants also  
18 object to this request because it incorrectly assumes that Request Nos. 611-614 are admitted and  
19 because the reference to those five requests make this request compound, overly broad, vague and  
20 ambiguous. Further, as noted above, Request Nos. 611-614 refer to Exhibit B which lists the  
21 names of "master fixes" as that phrase was used by TomorrowNow in the SAS database.  
22 TomorrowNow's "master fixes" are not the actual objects included in fixes or updates that are  
23 developed for TomorrowNow's customers. "Master fixes" and "master bundles" are records that  
24 describe the issue to be addressed and then serve as a record keeping device and reference for that  
25 issue and related activity TomorrowNow undertook to address that issue. The actual  
26 development of customer-specific objects included in customer-specific fixes and updates was  
27 referenced to a "master bundle" or "master fix" record for identification and record keeping  
28 purposes. Thus, if this request seeks an admission related to each and every object related to each

1 and every customer-specific fix or update that TomorrowNow developed, then this single request  
2 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
3 impermissibly seek regarding the 33,185 objects listed in Plaintiffs' Exhibit D to Plaintiffs' Third  
4 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
5 intent of this request, then to respond to this request, Defendants would have to analyze each  
6 individual object in each fix or update contained within each master bundle. Defendants,  
7 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
8 because it seeks an admission regarding thousands of separate activities that (1) involved many  
9 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
10 would require Defendants to review enormous volumes of business records to attempt to  
11 determine an answer, if possible, for each of the numerous objects contained within the  
12 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
13 Defendants' burden associated with responding to this request is substantially similar to the  
14 burden for Plaintiffs to obtain the information sought through this request, especially because the  
15 available documents, data and other information from which the answer, if any, could be derived  
16 in response to this request have been produced by Defendants in response to Plaintiffs' other  
17 discovery requests and thus any relevant, available information is now as equally accessible to  
18 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
19 qualifications, Defendants respond as follows:

20 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
21 information Defendants currently know or can readily obtain, Defendants have insufficient  
22 information to admit or deny this request.

23 **REQUEST FOR ADMISSION NO. 624:**

24 Admit that if the "individual fix testing" or "QA testing" process described in Requests  
25 Nos. 611-614 resulted in output files, such as reports intended for a regulatory agency, TN would  
26 sometimes compare such output files to the output files generated from the testing for other  
27 releases or "source groups" (as the term is used in Requests Nos. 576-579).

28

**RESPONSE TO REQUEST FOR ADMISSION NO. 624:**

Defendants object to this request on the grounds stated in the General Objections and Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant TomorrowNow in this response. Defendants object to the request because the terms and phrases "individual fix testing," "QA testing," "output files," "compare," "generated," "testing," "other releases," "sometimes," and "source groups" are subject to multiple meanings and, as such, are overly broad, vague, and ambiguous. Further, as noted above, Request Nos. 611-614 refer to Exhibit B which lists the names of master fixes as that term was used by TomorrowNow in the SAS database. The master fixes are not the actual objects that are developed for TomorrowNow customers. Master bundles and master fixes are records that simply identify problems for which TomorrowNow generally developed objects to resolve. The object development often took place at the release level, source level, and customer level. If this request is actually asking for information related to each and every object TomorrowNow developed, this number is more in line with the 33,185 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this question, Defendants would have to analyze each individual object in each fix or update contained within each master bundle. Defendants, therefore, object to this request as compound and unduly burdensome in that this request seeks information and activities that (1) involved many thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4) would require Defendants to review substantial business records to determine an answer, if possible, for each of the numerous numbers of objects contained within the fixes and updates, and Defendants' burden in doing so would be substantially similar to the burden for Plaintiffs to do so given that the available information is at least as equally accessible to Plaintiffs as it is to Defendants.

Subject to the General Objections and Responses and these specific objections, after a reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack sufficient knowledge and information to either admit or deny these requests, as the information

1 sought was not tracked, recorded, or maintained by TomorrowNow in a “readily obtainable  
2 manner.” On this basis, therefore, these requests are DENIED.

3 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 624:**

4 Defendants incorporate by reference, as if fully set forth herein, all of Defendants’  
5 General Objections noted above. Defendants’ response is based solely on Defendant  
6 TomorrowNow’s knowledge with respect to the information sought in this request because  
7 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
8 information provided by Defendant TomorrowNow in this response. Defendants object to the  
9 request because the terms “individual fix testing,” “QA testing,” “output files,” “compare,”  
10 “generated,” “testing,” “other releases,” “sometimes,” and “source groups” are capable of  
11 multiple meanings and thus, make this request overly broad, vague and ambiguous. Defendants  
12 also object to this request because it incorrectly assumes that Request Nos. 611-614 are admitted  
13 and because the reference to those five requests make this request compound, overly broad, vague  
14 and ambiguous. Further, as noted above, Request Nos. 611-614 refer to Exhibit B which lists the  
15 names of “master fixes” as that phrase was used by TomorrowNow in the SAS database.  
16 TomorrowNow’s “master fixes” are not the actual objects included in fixes or updates that are  
17 developed for TomorrowNow’s customers. “Master fixes” and “master bundles” are records that  
18 describe the issue to be addressed and then serve as a record keeping device and reference for that  
19 issue and related activity TomorrowNow undertook to address that issue. The actual  
20 development of customer-specific objects included in customer-specific fixes and updates was  
21 referenced to a “master bundle” or “master fix” record for identification and record keeping  
22 purposes. Thus, if this request seeks an admission related to each and every object related to each  
23 and every customer-specific fix or update that TomorrowNow developed, then this single request  
24 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
25 impermissibly seek regarding the 33,185 objects listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third  
26 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
27 intent of this request, then to respond to this request, Defendants would have to analyze each  
28 individual object in each fix or update contained within each master bundle. Defendants,

1 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
2 because it seeks an admission regarding thousands of separate activities that (1) involved many  
3 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
4 would require Defendants to review enormous volumes of business records to attempt to  
5 determine an answer, if possible, for each of the numerous objects contained within the  
6 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
7 Defendants' burden associated with responding to this request is substantially similar to the  
8 burden for Plaintiffs to obtain the information sought through this request, especially because the  
9 available documents, data and other information from which the answer, if any, could be derived  
10 in response to this request have been produced by Defendants in response to Plaintiffs' other  
11 discovery requests and thus any relevant, available information is now as equally accessible to  
12 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
13 qualifications, Defendants respond as follows:

14 ADMITTED on the following qualified basis: TomorrowNow reasonably believes that  
15 TomorrowNow employees would sometimes (meaning more than once) compare the output files  
16 from one "individual fix test" (as that phrase was used by some TomorrowNow employees) to  
17 output files from other "individual fix tests" (as that phrase was used by some TomorrowNow  
18 employees) that took place using another TomorrowNow customer specific local environment or  
19 environment component. To the extent not admitted, this request is DENIED.

20 **REQUEST FOR ADMISSION NO. 625:**

21 Admit that every time TN did not conduct the "individual fix test" or "QA test" described  
22 in Requests Nos. 611-614 for any release or source group, TN relied in part on either earlier  
23 testing or testing done for other releases or "source groups" (as the term is used in Requests Nos.  
24 576-579) in deciding to deliver the Fix to Customers.

25 **RESPONSE TO REQUEST FOR ADMISSION NO. 625:**

26 Defendants object to this request on the grounds stated in the General Objections and  
27 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
28 respect to the information sought in this request because Defendants SAP AG and SAP America

1 have no additional knowledge separate and apart from the information provided by Defendant  
2 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
3 “individual fix test,” “QA test,” “any release,” “source group(s),” “testing,” “other releases,” and  
4 “deliver” are subject to multiple meanings and, as such, are overly broad, vague, and ambiguous.  
5 Further, as noted above, Request Nos. 611-614 refer to Exhibit B which lists the names of master  
6 fixes as that term was used by TomorrowNow in the SAS database. The master fixes are not the  
7 actual objects that are developed for TomorrowNow customers. Master bundles and master fixes  
8 are records that simply identify problems for which TomorrowNow generally developed objects  
9 to resolve. The object development often took place at the release level, source level, and  
10 customer level. If this request is actually asking for information related to each and every object  
11 TomorrowNow developed, this number is more in line with the 33,185 listed in Plaintiffs’ Exhibit  
12 D to Plaintiffs’ Third Set of Requests for Admissions to SAP AG, SAP America, and  
13 TomorrowNow. To respond to this question, Defendants would have to analyze each individual  
14 object in each fix or update contained within each master bundle. Defendants, therefore, object to  
15 this request as compound and unduly burdensome in that this request seeks information and  
16 activities that (1) involved many thousands of objects, (2) involved numerous employees, (3) took  
17 place over several years, and (4) would require Defendants to review substantial business records  
18 to determine an answer, if possible, for each of the numerous numbers of objects contained within  
19 the fixes and updates, and Defendants’ burden in doing so would be substantially similar to the  
20 burden for Plaintiffs to do so given that the available information is at least as equally accessible  
21 to Plaintiffs as it is to Defendants.

22 Subject to the General Objections and Responses and these specific objections, after a  
23 reasonable inquiry and based on Defendants’ understanding of these questions, Defendants lack  
24 sufficient knowledge and information to either admit or deny these requests, as the information  
25 sought was not tracked, recorded, or maintained by TomorrowNow in a “readily obtainable  
26 manner.” On this basis, therefore, these requests are DENIED.

27 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 625:**

28 Defendants incorporate by reference, as if fully set forth herein, all of Defendants’



1 General Objections noted above. Defendants' response is based solely on Defendant  
2 TomorrowNow's knowledge with respect to the information sought in this request because  
3 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
4 information provided by Defendant TomorrowNow in this response. Defendants object to the  
5 request because the terms "individual fix test," "QA test," "any release," "source group(s),"  
6 "testing," "other releases," and "deliver" are capable of multiple meanings and thus, make this  
7 request overly broad, vague and ambiguous. Defendants also object to this request because it  
8 incorrectly assumes that Request Nos. 611-614 are admitted and because the reference to those  
9 five requests make this request compound, overly broad, vague and ambiguous. Further, as noted  
10 above, Request Nos. 611-614 refer to Exhibit B which lists the names of "master fixes" as that  
11 phrase was used by TomorrowNow in the SAS database. TomorrowNow's "master fixes" are not  
12 the actual objects included in fixes or updates that are developed for TomorrowNow's customers.  
13 "Master fixes" and "master bundles" are records that describe the issue to be addressed and then  
14 serve as a record keeping device and reference for that issue and related activity TomorrowNow  
15 undertook to address that issue. The actual development of customer-specific objects included in  
16 customer-specific fixes and updates was referenced to a "master bundle" or "master fix" record  
17 for identification and record keeping purposes. Thus, if this request seeks an admission related to  
18 each and every object related to each and every customer-specific fix or update that  
19 TomorrowNow developed, then this single request impermissibly seeks literally thousands of  
20 admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects  
21 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG,  
22 SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
23 request, Defendants would have to analyze each individual object in each fix or update contained  
24 within each master bundle. Defendants, therefore, object on the basis that this request is  
25 compound, overly broad and unduly burdensome because it seeks an admission regarding  
26 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
27 numerous employees, (3) took place over several years, and (4) would require Defendants to  
28 review enormous volumes of business records to attempt to determine an answer, if possible, for

1 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
2 Defendants object to this request on the basis that Defendants' burden associated with responding  
3 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
4 through this request, especially because the available documents, data and other information from  
5 which the answer, if any, could be derived in response to this request have been produced by  
6 Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available  
7 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and  
8 without waiving the foregoing objections and qualifications, Defendants respond as follows:

9 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
10 information Defendants currently know or can readily obtain, Defendants have insufficient  
11 information to admit or deny this request.

12 **REQUEST FOR ADMISSION NO. 626:**

13 Admit that the majority of the times when TN did not conduct the "individual fix test" or  
14 "QA test" described in Requests Nos. 611-614 for any release or source group, TN relied in part  
15 on either earlier testing or testing done for other releases or "source groups" (as the term is used  
16 in Requests Nos. 576-579) in deciding to deliver the Fix to Customers.

17 **RESPONSE TO REQUEST FOR ADMISSION NO. 626:**

18 Defendants object to this request on the grounds stated in the General Objections and  
19 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
20 respect to the information sought in this request because Defendants SAP AG and SAP America  
21 have no additional knowledge separate and apart from the information provided by Defendant  
22 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
23 "individual fix test," "QA test," "any release," "source group(s)," "testing," "other releases," and  
24 "deliver" are subject to multiple meanings and, as such, are overly broad, vague, and ambiguous.  
25 Further, as noted above, Request Nos. 611-614 refer to Exhibit B which lists the names of master  
26 fixes as that term was used by TomorrowNow in the SAS database. The master fixes are not the  
27 actual objects that are developed for TomorrowNow customers. Master bundles and master fixes  
28 are records that simply identify problems for which TomorrowNow generally developed objects

1 to resolve. The object development often took place at the release level, source level, and  
2 customer level. If this request is actually asking for information related to each and every object  
3 TomorrowNow developed, this number is more in line with the 33,185 listed in Plaintiffs' Exhibit  
4 D to Plaintiffs' Third Set of Requests for Admissions to SAP AG, SAP America, and  
5 TomorrowNow. To respond to this question, Defendants would have to analyze each individual  
6 object in each fix or update contained within each master bundle. Defendants, therefore, object to  
7 this request as compound and unduly burdensome in that this request seeks information and  
8 activities that (1) involved many thousands of objects, (2) involved numerous employees, (3) took  
9 place over several years, and (4) would require Defendants to review substantial business records  
10 to determine an answer, if possible, for each of the numerous numbers of objects contained within  
11 the fixes and updates, and Defendants' burden in doing so would be substantially similar to the  
12 burden for Plaintiffs to do so given that the available information is at least as equally accessible  
13 to Plaintiffs as it is to Defendants.

14 Subject to the General Objections and Responses and these specific objections, after a  
15 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
16 sufficient knowledge and information to either admit or deny these requests, as the information  
17 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
18 manner." On this basis, therefore, these requests are DENIED.

19 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 626:**

20 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
21 General Objections noted above. Defendants' response is based solely on Defendant  
22 TomorrowNow's knowledge with respect to the information sought in this request because  
23 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
24 information provided by Defendant TomorrowNow in this response. Defendants object to the  
25 request because the terms "individual fix test," "QA test," "any release," "source group(s),"  
26 "testing," "other releases," and "deliver" are capable of multiple meanings and thus, make this  
27 request overly broad, vague and ambiguous. Defendants also object to this request because it  
28 incorrectly assumes that Request Nos. 611-614 are admitted and because the reference to those

1 five requests make this request compound, overly broad, vague and ambiguous. Further, as noted  
2 above, Request Nos. 611-614 refer to Exhibit B which lists the names of “master fixes” as that  
3 phrase was used by TomorrowNow in the SAS database. TomorrowNow’s “master fixes” are not  
4 the actual objects included in fixes or updates that are developed for TomorrowNow’s customers.  
5 “Master fixes” and “master bundles” are records that describe the issue to be addressed and then  
6 serve as a record keeping device and reference for that issue and related activity TomorrowNow  
7 undertook to address that issue. The actual development of customer-specific objects included in  
8 customer-specific fixes and updates was referenced to a “master bundle” or “master fix” record  
9 for identification and record keeping purposes. Thus, if this request seeks an admission related to  
10 each and every object related to each and every customer-specific fix or update that  
11 TomorrowNow developed, then this single request impermissibly seeks literally thousands of  
12 admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects  
13 listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for Admissions to SAP AG,  
14 SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
15 request, Defendants would have to analyze each individual object in each fix or update contained  
16 within each master bundle. Defendants, therefore, object on the basis that this request is  
17 compound, overly broad and unduly burdensome because it seeks an admission regarding  
18 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
19 numerous employees, (3) took place over several years, and (4) would require Defendants to  
20 review enormous volumes of business records to attempt to determine an answer, if possible, for  
21 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
22 Defendants object to this request on the basis that Defendants’ burden associated with responding  
23 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
24 through this request, especially because the available documents, data and other information from  
25 which the answer, if any, could be derived in response to this request have been produced by  
26 Defendants in response to Plaintiffs’ other discovery requests and thus any relevant, available  
27 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and  
28 without waiving the foregoing objections and qualifications, Defendants respond as follows:

1 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
2 information Defendants currently know or can readily obtain, Defendants have insufficient  
3 information to admit or deny this request.

4 **REQUEST FOR ADMISSION NO. 627:**

5 Admit that sometimes when TN did not conduct the “individual fix test” or “QA test”  
6 described in Requests Nos. 611-614 for any release or source group, TN relied in part on either  
7 earlier testing or testing done for other releases or “source groups” (as the term is used in  
8 Requests Nos. 576-579) in deciding to deliver the Fix to Customers.

9 **RESPONSE TO REQUEST FOR ADMISSION NO. 627:**

10 Defendants object to this request on the grounds stated in the General Objections and  
11 Responses. Defendants’ response is based solely on Defendant TomorrowNow’s knowledge with  
12 respect to the information sought in this request because Defendants SAP AG and SAP America  
13 have no additional knowledge separate and apart from the information provided by Defendant  
14 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
15 “individual fix test,” “QA test,” “any release,” “source group(s),” “testing,” “other releases,”  
16 “sometimes,” and “deliver” are subject to multiple meanings and, as such, are overly broad,  
17 vague, and ambiguous. Further, as noted above, Request Nos. 611-614 refer to Exhibit B which  
18 lists the names of master fixes as that term was used by TomorrowNow in the SAS database. The  
19 master fixes are not the actual objects that are developed for TomorrowNow customers. Master  
20 bundles and master fixes are records that simply identify problems for which TomorrowNow  
21 generally developed objects to resolve. The object development often took place at the release  
22 level, source level, and customer level. If this request is actually asking for information related to  
23 each and every object TomorrowNow developed, this number is more in line with the 33,185  
24 listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for Admissions to SAP AG,  
25 SAP America, and TomorrowNow. To respond to this question, Defendants would have to  
26 analyze each individual object in each fix or update contained within each master bundle.  
27 Defendants, therefore, object to this request as compound and unduly burdensome in that this  
28 request seeks information and activities that (1) involved many thousands of objects, (2) involved

1 numerous employees, (3) took place over several years, and (4) would require Defendants to  
2 review substantial business records to determine an answer, if possible, for each of the numerous  
3 numbers of objects contained within the fixes and updates, and Defendants' burden in doing so  
4 would be substantially similar to the burden for Plaintiffs to do so given that the available  
5 information is at least as equally accessible to Plaintiffs as it is to Defendants.

6 Subject to the General Objections and Responses and these specific objections, after a  
7 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
8 sufficient knowledge and information to either admit or deny these requests, as the information  
9 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
10 manner." On this basis, therefore, these requests are DENIED.

11 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 627:**

12 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
13 General Objections noted above. Defendants' response is based solely on Defendant  
14 TomorrowNow's knowledge with respect to the information sought in this request because  
15 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
16 information provided by Defendant TomorrowNow in this response. Defendants object to the  
17 request because the terms "individual fix test," "QA test," "any release," "source group(s),"  
18 "testing," "other releases," "sometimes," and "deliver" are capable of multiple meanings and thus,  
19 make this request overly broad, vague and ambiguous. Defendants also object to this request  
20 because it incorrectly assumes that Request Nos. 611-614 are admitted and because the reference  
21 to those five requests make this request compound, overly broad, vague and ambiguous. Further,  
22 as noted above, Request Nos. 611-614 refer to Exhibit B which lists the names of "master fixes"  
23 as that phrase was used by TomorrowNow in the SAS database. TomorrowNow's "master fixes"  
24 are not the actual objects included in fixes or updates that are developed for TomorrowNow's  
25 customers. "Master fixes" and "master bundles" are records that describe the issue to be  
26 addressed and then serve as a record keeping device and reference for that issue and related  
27 activity TomorrowNow undertook to address that issue. The actual development of customer-  
28 specific objects included in customer-specific fixes and updates was referenced to a "master

1 bundle” or “master fix” record for identification and record keeping purposes. Thus, if this  
2 request seeks an admission related to each and every object related to each and every customer-  
3 specific fix or update that TomorrowNow developed, then this single request impermissibly seeks  
4 literally thousands of admissions similar to the admissions Plaintiffs impermissibly seek  
5 regarding the 33,185 objects listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for  
6 Admissions to SAP AG, SAP America, and TomorrowNow. If that is the intent of this request,  
7 then to respond to this request, Defendants would have to analyze each individual object in each  
8 fix or update contained within each master bundle. Defendants, therefore, object on the basis that  
9 this request is compound, overly broad and unduly burdensome because it seeks an admission  
10 regarding thousands of separate activities that (1) involved many thousands of objects, (2)  
11 involved numerous employees, (3) took place over several years, and (4) would require  
12 Defendants to review enormous volumes of business records to attempt to determine an answer, if  
13 possible, for each of the numerous objects contained within the referenced fixes and updates.  
14 Moreover, Defendants object to this request on the basis that Defendants’ burden associated with  
15 responding to this request is substantially similar to the burden for Plaintiffs to obtain the  
16 information sought through this request, especially because the available documents, data and  
17 other information from which the answer, if any, could be derived in response to this request have  
18 been produced by Defendants in response to Plaintiffs’ other discovery requests and thus any  
19 relevant, available information is now as equally accessible to Plaintiffs as it is to Defendants.  
20 Subject to and without waiving the foregoing objections and qualifications, Defendants respond  
21 as follows:

22 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
23 information Defendants currently know or can readily obtain, Defendants have insufficient  
24 information to admit or deny this request.

25 **REQUEST FOR ADMISSION NO. 628:**

26 Admit that at least one time when TN did not conduct the “individual fix test” or “QA  
27 test” described in Requests Nos. 611-614 for any release or source group, TN relied in part on  
28 either earlier testing or testing done for other releases or “source groups” (as the term is used in

1 Requests Nos. 576-579) in deciding to deliver the Fix to Customers.

2 **RESPONSE TO REQUEST FOR ADMISSION NO. 628:**

3 Defendants object to this request on the grounds stated in the General Objections and  
4 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
5 respect to the information sought in this request because Defendants SAP AG and SAP America  
6 have no additional knowledge separate and apart from the information provided by Defendant  
7 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
8 "individual fix test," "QA test," "any release," "source group(s)," "testing," "other releases," and  
9 "deliver" are subject to multiple meanings and, as such, are overly broad, vague, and ambiguous.  
10 Further, as noted above, Request Nos. 611-614 refer to Exhibit B which lists the names of master  
11 fixes as that term was used by TomorrowNow in the SAS database. The master fixes are not the  
12 actual objects that are developed for TomorrowNow customers. Master bundles and master fixes  
13 are records that simply identify problems for which TomorrowNow generally developed objects  
14 to resolve. The object development often took place at the release level, source level, and  
15 customer level. If this request is actually asking for information related to each and every object  
16 TomorrowNow developed, this number is more in line with the 33,185 listed in Plaintiffs' Exhibit  
17 D to Plaintiffs' Third Set of Requests for Admissions to SAP AG, SAP America, and  
18 TomorrowNow. To respond to this question, Defendants would have to analyze each individual  
19 object in each fix or update contained within each master bundle. Defendants, therefore, object to  
20 this request as compound and unduly burdensome in that this request seeks information and  
21 activities that (1) involved many thousands of objects, (2) involved numerous employees, (3) took  
22 place over several years, and (4) would require Defendants to review substantial business records  
23 to determine an answer, if possible, for each of the numerous numbers of objects contained within  
24 the fixes and updates, and Defendants' burden in doing so would be substantially similar to the  
25 burden for Plaintiffs to do so given that the available information is at least as equally accessible  
26 to Plaintiffs as it is to Defendants.

27 Subject to the General Objections and Responses and these specific objections, after a  
28 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack



1 sufficient knowledge and information to either admit or deny these requests, as the information  
2 sought was not tracked, recorded, or maintained by TomorrowNow in a “readily obtainable  
3 manner.” On this basis, therefore, these requests are DENIED.

4 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 628:**

5 Defendants incorporate by reference, as if fully set forth herein, all of Defendants’  
6 General Objections noted above. Defendants’ response is based solely on Defendant  
7 TomorrowNow’s knowledge with respect to the information sought in this request because  
8 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
9 information provided by Defendant TomorrowNow in this response. Defendants object to the  
10 request because the terms “individual fix test,” “QA test,” “any release,” “source group(s),”  
11 “testing,” “other releases,” and “deliver” are capable of multiple meanings and thus, make this  
12 request overly broad, vague and ambiguous. Defendants also object to this request because it  
13 incorrectly assumes that Request Nos. 611-614 are admitted and because the reference to those  
14 five requests make this request compound, overly broad, vague and ambiguous. Further, as noted  
15 above, Request Nos. 611-614 refer to Exhibit B which lists the names of “master fixes” as that  
16 phrase was used by TomorrowNow in the SAS database. TomorrowNow’s “master fixes” are not  
17 the actual objects included in fixes or updates that are developed for TomorrowNow’s customers.  
18 “Master fixes” and “master bundles” are records that describe the issue to be addressed and then  
19 serve as a record keeping device and reference for that issue and related activity TomorrowNow  
20 undertook to address that issue. The actual development of customer-specific objects included in  
21 customer-specific fixes and updates was referenced to a “master bundle” or “master fix” record  
22 for identification and record keeping purposes. Thus, if this request seeks an admission related to  
23 each and every object related to each and every customer-specific fix or update that  
24 TomorrowNow developed, then this single request impermissibly seeks literally thousands of  
25 admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects  
26 listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for Admissions to SAP AG,  
27 SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
28 request, Defendants would have to analyze each individual object in each fix or update contained

1 within each master bundle. Defendants, therefore, object on the basis that this request is  
2 compound, overly broad and unduly burdensome because it seeks an admission regarding  
3 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
4 numerous employees, (3) took place over several years, and (4) would require Defendants to  
5 review enormous volumes of business records to attempt to determine an answer, if possible, for  
6 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
7 Defendants object to this request on the basis that Defendants' burden associated with responding  
8 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
9 through this request, especially because the available documents, data and other information from  
10 which the answer, if any, could be derived in response to this request have been produced by  
11 Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available  
12 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and  
13 without waiving the foregoing objections and qualifications, Defendants respond as follows:

14 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
15 information Defendants currently know or can readily obtain, Defendants have insufficient  
16 information to admit or deny this request.

17 **REQUEST FOR ADMISSION NO. 629:**

18 Admit that for each Fix or Update listed in Exhibit B, if TN determined to deliver any  
19 such Fixes or Updates to a Customer as part of a bundle containing other Fixes or Updates, TN  
20 assembled such bundle in part by Copying the requisite Fix Objects from the central development  
21 staging area.

22 **RESPONSE TO REQUEST FOR ADMISSION NO. 629:**

23 Defendants object to this request on the grounds stated in the General Objections and  
24 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
25 respect to the information sought in this request because Defendants SAP AG and SAP America  
26 have no additional knowledge separate and apart from the information provided by Defendant  
27 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
28 "deliver," "bundle containing other fixes or updates," "copying," and "central development

1 staging area” are subject to multiple meanings and, as such, are overly broad, vague, and  
2 ambiguous. Further, Exhibit B lists the names of master fixes as that term was used by  
3 TomorrowNow in the SAS database. The master fixes are not the actual objects that are  
4 developed for TomorrowNow customers. Master bundles and master fixes are records that  
5 simply identify problems for which TomorrowNow generally developed objects to resolve. The  
6 object development often took place at the release level, source level, and customer level. If this  
7 request is actually asking for information related to each and every object TomorrowNow  
8 developed, this number is more in line with the 33,185 listed in Plaintiffs’ Exhibit D to Plaintiffs’  
9 Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To  
10 respond to this question, Defendants would have to analyze each individual object in each fix or  
11 update contained within each master bundle. Defendants, therefore, object to this request as  
12 compound and unduly burdensome in that this request seeks information and activities that (1)  
13 involved many thousands of objects, (2) involved numerous employees, (3) took place over  
14 several years, and (4) would require Defendants to review substantial business records to  
15 determine an answer, if possible, for each of the numerous numbers of objects contained within  
16 the fixes and updates, and Defendants’ burden in doing so would be substantially similar to the  
17 burden for Plaintiffs to do so given that the available information is at least as equally accessible  
18 to Plaintiffs as it is to Defendants.

19 Subject to the General Objections and Responses and these specific objections, after a  
20 reasonable inquiry and based on Defendants’ understanding of these questions, Defendants lack  
21 sufficient knowledge and information to either admit or deny these requests, as the information  
22 sought was not tracked, recorded, or maintained by TomorrowNow in a “readily obtainable  
23 manner.” On this basis, therefore, these requests are DENIED.

24 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 629:**

25 Defendants incorporate by reference, as if fully set forth herein, all of Defendants’  
26 General Objections noted above. Defendants’ response is based solely on Defendant  
27 TomorrowNow’s knowledge with respect to the information sought in this request because  
28 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the

1 information provided by Defendant TomorrowNow in this response. Defendants object to the  
2 request because the terms and phrases “fix(es),” “update(s),” “deliver,” “bundle containing other  
3 fixes or updates,” “copying,” and “central development staging area” are capable of multiple  
4 meanings and thus, make this request overly broad, vague and ambiguous. Further, Exhibit B  
5 lists the names of “master fixes” as that phrase was used by TomorrowNow in the SAS database.  
6 TomorrowNow’s “master fixes” are not the actual objects included in fixes or updates that are  
7 developed for TomorrowNow’s customers. “Master fixes” and “master bundles” are records that  
8 describe the issue to be addressed and then serve as a record keeping device and reference for that  
9 issue and related activity TomorrowNow undertook to address that issue. The actual  
10 development of customer-specific objects included in customer-specific fixes and updates was  
11 referenced to a “master bundle” or “master fix” record for identification and record keeping  
12 purposes. Thus, if this request seeks an admission related to each and every object related to each  
13 and every customer-specific fix or update that TomorrowNow developed, then this single request  
14 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
15 impermissibly seek regarding the 33,185 objects listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third  
16 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
17 intent of this request, then to respond to this request, Defendants would have to analyze each  
18 individual object in each fix or update contained within each master bundle. Defendants,  
19 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
20 because it seeks an admission regarding thousands of separate activities that (1) involved many  
21 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
22 would require Defendants to review enormous volumes of business records to attempt to  
23 determine an answer, if possible, for each of the numerous objects contained within the  
24 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
25 Defendants’ burden associated with responding to this request is substantially similar to the  
26 burden for Plaintiffs to obtain the information sought through this request, especially because the  
27 available documents, data and other information from which the answer, if any, could be derived  
28 in response to this request have been produced by Defendants in response to Plaintiffs’ other

1 discovery requests and thus any relevant, available information is now as equally accessible to  
2 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
3 qualifications, Defendants respond as follows:

4 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
5 information Defendants currently know or can readily obtain, Defendants have insufficient  
6 information to admit or deny this request.

7 **REQUEST FOR ADMISSION NO. 630:**

8 Admit that for the majority of the Fixes or Updates listed in Exhibit B, if TN determined  
9 to deliver any such Fixes or Updates to a Customer as part of a bundle containing other Fixes or  
10 Updates, TN assembled such bundle in part by Copying the requisite Fix Objects from the central  
11 development staging area.

12 **RESPONSE TO REQUEST FOR ADMISSION NO. 630:**

13 Defendants object to this request on the grounds stated in the General Objections and  
14 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
15 respect to the information sought in this request because Defendants SAP AG and SAP America  
16 have no additional knowledge separate and apart from the information provided by Defendant  
17 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
18 "deliver," "bundle containing other fixes or updates," "copying," and "central development  
19 staging area" are subject to multiple meanings and, as such, are overly broad, vague, and  
20 ambiguous. Further, Exhibit B lists the names of master fixes as that term was used by  
21 TomorrowNow in the SAS database. The master fixes are not the actual objects that are  
22 developed for TomorrowNow customers. Master bundles and master fixes are records that  
23 simply identify problems for which TomorrowNow generally developed objects to resolve. The  
24 object development often took place at the release level, source level, and customer level. If this  
25 request is actually asking for information related to each and every object TomorrowNow  
26 developed, this number is more in line with the 33,185 listed in Plaintiffs' Exhibit D to Plaintiffs'  
27 Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To  
28 respond to this question, Defendants would have to analyze each individual object in each fix or

1 update contained within each master bundle. Defendants, therefore, object to this request as  
2 compound and unduly burdensome in that this request seeks information and activities that (1)  
3 involved many thousands of objects, (2) involved numerous employees, (3) took place over  
4 several years, and (4) would require Defendants to review substantial business records to  
5 determine an answer, if possible, for each of the numerous numbers of objects contained within  
6 the fixes and updates, and Defendants' burden in doing so would be substantially similar to the  
7 burden for Plaintiffs to do so given that the available information is at least as equally accessible  
8 to Plaintiffs as it is to Defendants.

9 Subject to the General Objections and Responses and these specific objections, after a  
10 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
11 sufficient knowledge and information to either admit or deny these requests, as the information  
12 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
13 manner." On this basis, therefore, these requests are DENIED.

14 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 630:**

15 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
16 General Objections noted above. Defendants' response is based solely on Defendant  
17 TomorrowNow's knowledge with respect to the information sought in this request because  
18 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
19 information provided by Defendant TomorrowNow in this response. Defendants object to the  
20 request because the terms and phrases "fix(es)," "update(s)," "deliver," "bundle containing other  
21 fixes or updates," "copying," and "central development staging area" are capable of multiple  
22 meanings and thus, make this request overly broad, vague and ambiguous. Further, Exhibit B  
23 lists the names of "master fixes" as that phrase was used by TomorrowNow in the SAS database.  
24 TomorrowNow's "master fixes" are not the actual objects included in fixes or updates that are  
25 developed for TomorrowNow's customers. "Master fixes" and "master bundles" are records that  
26 describe the issue to be addressed and then serve as a record keeping device and reference for that  
27 issue and related activity TomorrowNow undertook to address that issue. The actual  
28 development of customer-specific objects included in customer-specific fixes and updates was

1 referenced to a “master bundle” or “master fix” record for identification and record keeping  
2 purposes. Thus, if this request seeks an admission related to each and every object related to each  
3 and every customer-specific fix or update that TomorrowNow developed, then this single request  
4 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
5 impermissibly seek regarding the 33,185 objects listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third  
6 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
7 intent of this request, then to respond to this request, Defendants would have to analyze each  
8 individual object in each fix or update contained within each master bundle. Defendants,  
9 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
10 because it seeks an admission regarding thousands of separate activities that (1) involved many  
11 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
12 would require Defendants to review enormous volumes of business records to attempt to  
13 determine an answer, if possible, for each of the numerous objects contained within the  
14 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
15 Defendants’ burden associated with responding to this request is substantially similar to the  
16 burden for Plaintiffs to obtain the information sought through this request, especially because the  
17 available documents, data and other information from which the answer, if any, could be derived  
18 in response to this request have been produced by Defendants in response to Plaintiffs’ other  
19 discovery requests and thus any relevant, available information is now as equally accessible to  
20 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
21 qualifications, Defendants respond as follows:

22 ADMITTED on the following qualified basis: TomorrowNow reasonably believes that,  
23 for the majority of objects (meaning at least one object more than half of the total objects)  
24 associated with the master fix records referenced in Exhibit B that were included in a customer  
25 specific bundle (as that phrase was used by some TomorrowNow employees) that contained other  
26 objects for the specific customer, TomorrowNow employees likely obtained those objects from  
27 the “development staging area” (as that phrase was used by some TomorrowNow employees). To  
28 the extent not admitted, this request is DENIED.

1 **REQUEST FOR ADMISSION NO. 631:**

2 Admit that for some of the Fixes or Updates listed in Exhibit B, if TN determined to  
3 deliver any such Fixes or Updates to a Customer as part of a bundle containing other Fixes or  
4 Updates, TN assembled such bundle in part by Copying the requisite Fix Objects from the central  
5 development staging area.

6 **RESPONSE TO REQUEST FOR ADMISSION NO. 631:**

7 Defendants object to this request on the grounds stated in the General Objections and  
8 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
9 respect to the information sought in this request because Defendants SAP AG and SAP America  
10 have no additional knowledge separate and apart from the information provided by Defendant  
11 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
12 "deliver," "bundle containing other fixes or updates," "copying," "some," and "central  
13 development staging area" are subject to multiple meanings and, as such, are overly broad, vague,  
14 and ambiguous. Further, Exhibit B lists the names of master fixes as that term was used by  
15 TomorrowNow in the SAS database. The master fixes are not the actual objects that are  
16 developed for TomorrowNow customers. Master bundles and master fixes are records that  
17 simply identify problems for which TomorrowNow generally developed objects to resolve. The  
18 object development often took place at the release level, source level, and customer level. If this  
19 request is actually asking for information related to each and every object TomorrowNow  
20 developed, this number is more in line with the 33,185 listed in Plaintiffs' Exhibit D to Plaintiffs'  
21 Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To  
22 respond to this question, Defendants would have to analyze each individual object in each fix or  
23 update contained within each master bundle. Defendants, therefore, object to this request as  
24 compound and unduly burdensome in that this request seeks information and activities that (1)  
25 involved many thousands of objects, (2) involved numerous employees, (3) took place over  
26 several years, and (4) would require Defendants to review substantial business records to  
27 determine an answer, if possible, for each of the numerous numbers of objects contained within  
28 the fixes and updates, and Defendants' burden in doing so would be substantially similar to the



1 burden for Plaintiffs to do so given that the available information is at least as equally accessible  
2 to Plaintiffs as it is to Defendants.

3 Subject to the General Objections and Responses and these specific objections, after a  
4 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
5 sufficient knowledge and information to either admit or deny these requests, as the information  
6 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
7 manner." On this basis, therefore, these requests are DENIED.

8 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 631:**

9 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
10 General Objections noted above. Defendants' response is based solely on Defendant  
11 TomorrowNow's knowledge with respect to the information sought in this request because  
12 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
13 information provided by Defendant TomorrowNow in this response. Defendants object to the  
14 request because the terms and phrases "fix(es)," "update(s)," "deliver," "bundle containing other  
15 fixes or updates," "copying," and "central development staging area" are capable of multiple  
16 meanings and thus, make this request overly broad, vague and ambiguous. Further, Exhibit B  
17 lists the names of "master fixes" as that phrase was used by TomorrowNow in the SAS database.  
18 TomorrowNow's "master fixes" are not the actual objects included in fixes or updates that are  
19 developed for TomorrowNow's customers. "Master fixes" and "master bundles" are records that  
20 describe the issue to be addressed and then serve as a record keeping device and reference for that  
21 issue and related activity TomorrowNow undertook to address that issue. The actual  
22 development of customer-specific objects included in customer-specific fixes and updates was  
23 referenced to a "master bundle" or "master fix" record for identification and record keeping  
24 purposes. Thus, if this request seeks an admission related to each and every object related to each  
25 and every customer-specific fix or update that TomorrowNow developed, then this single request  
26 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
27 impermissibly seek regarding the 33,185 objects listed in Plaintiffs' Exhibit D to Plaintiffs' Third  
28 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the

1 intent of this request, then to respond to this request, Defendants would have to analyze each  
2 individual object in each fix or update contained within each master bundle. Defendants,  
3 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
4 because it seeks an admission regarding thousands of separate activities that (1) involved many  
5 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
6 would require Defendants to review enormous volumes of business records to attempt to  
7 determine an answer, if possible, for each of the numerous objects contained within the  
8 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
9 Defendants' burden associated with responding to this request is substantially similar to the  
10 burden for Plaintiffs to obtain the information sought through this request, especially because the  
11 available documents, data and other information from which the answer, if any, could be derived  
12 in response to this request have been produced by Defendants in response to Plaintiffs' other  
13 discovery requests and thus any relevant, available information is now as equally accessible to  
14 Plaintiffs as it is to Defendants. Further, in providing this response, Defendants are defining  
15 "some" as "more than one" as suggested by Plaintiffs in their August 10, 2009 meet and confer  
16 letter. Subject to and without waiving the foregoing objections and qualifications, Defendants  
17 respond as follows:

18 ADMITTED on the following qualified basis: TomorrowNow reasonably believes that,  
19 for some of the objects (meaning more than one) associated with the master fix records referenced  
20 in Exhibit B that were included in a customer specific bundle (as that phrase was used by some  
21 TomorrowNow employees) that contained other objects for the specific customer, TomorrowNow  
22 employees likely obtained those objects from the "development staging area" (as that phrase was  
23 used by some TomorrowNow employees). To the extent not admitted, this request is DENIED.

24 **REQUEST FOR ADMISSION NO. 632:**

25 Admit that for at least one Fix or Update listed in Exhibit B, if TN determined to deliver  
26 any such Fixes or Updates to a Customer as part of a bundle containing other Fixes or Updates,  
27 TN assembled such bundle in part by Copying the requisite Fix Objects from the central  
28 development staging area.

**RESPONSE TO REQUEST FOR ADMISSION NO. 632:**

Defendants object to this request on the grounds stated in the General Objections and Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant TomorrowNow in this response. Defendants object to the request because the terms and phrases "deliver," "bundle containing other fixes or updates," "copying," and "central development staging area" are subject to multiple meanings and, as such, are overly broad, vague, and ambiguous. Further, Exhibit B lists the names of master fixes as that term was used by TomorrowNow in the SAS database. The master fixes are not the actual objects that are developed for TomorrowNow customers. Master bundles and master fixes are records that simply identify problems for which TomorrowNow generally developed objects to resolve. The object development often took place at the release level, source level, and customer level. If this request is actually asking for information related to each and every object TomorrowNow developed, this number is more in line with the 33,185 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this question, Defendants would have to analyze each individual object in each fix or update contained within each master bundle. Defendants, therefore, object to this request as compound and unduly burdensome in that this request seeks information and activities that (1) involved many thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4) would require Defendants to review substantial business records to determine an answer, if possible, for each of the numerous numbers of objects contained within the fixes and updates, and Defendants' burden in doing so would be substantially similar to the burden for Plaintiffs to do so given that the available information is at least as equally accessible to Plaintiffs as it is to Defendants.

Subject to the General Objections and Responses and these specific objections, after a reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack sufficient knowledge and information to either admit or deny these requests, as the information

1 sought was not tracked, recorded, or maintained by TomorrowNow in a “readily obtainable  
2 manner.” On this basis, therefore, these requests are DENIED.

3 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 632:**

4 Defendants incorporate by reference, as if fully set forth herein, all of Defendants’  
5 General Objections noted above. Defendants’ response is based solely on Defendant  
6 TomorrowNow’s knowledge with respect to the information sought in this request because  
7 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
8 information provided by Defendant TomorrowNow in this response. Defendants object to the  
9 request because the terms and phrases “fix(es),” “update(s),” “deliver,” “bundle containing other  
10 fixes or updates,” “copying,” and “central development staging area” are capable of multiple  
11 meanings and thus, make this request overly broad, vague and ambiguous. Further, Exhibit B  
12 lists the names of “master fixes” as that phrase was used by TomorrowNow in the SAS database.  
13 TomorrowNow’s “master fixes” are not the actual objects included in fixes or updates that are  
14 developed for TomorrowNow’s customers. “Master fixes” and “master bundles” are records that  
15 describe the issue to be addressed and then serve as a record keeping device and reference for that  
16 issue and related activity TomorrowNow undertook to address that issue. The actual  
17 development of customer-specific objects included in customer-specific fixes and updates was  
18 referenced to a “master bundle” or “master fix” record for identification and record keeping  
19 purposes. Thus, if this request seeks an admission related to each and every object related to each  
20 and every customer-specific fix or update that TomorrowNow developed, then this single request  
21 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
22 impermissibly seek regarding the 33,185 objects listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third  
23 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
24 intent of this request, then to respond to this request, Defendants would have to analyze each  
25 individual object in each fix or update contained within each master bundle. Defendants,  
26 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
27 because it seeks an admission regarding thousands of separate activities that (1) involved many  
28 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)

1 would require Defendants to review enormous volumes of business records to attempt to  
2 determine an answer, if possible, for each of the numerous objects contained within the  
3 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
4 Defendants' burden associated with responding to this request is substantially similar to the  
5 burden for Plaintiffs to obtain the information sought through this request, especially because the  
6 available documents, data and other information from which the answer, if any, could be derived  
7 in response to this request have been produced by Defendants in response to Plaintiffs' other  
8 discovery requests and thus any relevant, available information is now as equally accessible to  
9 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
10 qualifications, Defendants respond as follows:

11 ADMITTED on the following qualified basis: TomorrowNow reasonably believes that,  
12 for at least one object associated with the master fix records referenced in Exhibit B that was  
13 included in a customer specific bundle (as that phrase was used by some TomorrowNow  
14 employees) that contained other objects for the specific customer, TomorrowNow employees  
15 likely obtained the object from the "development staging area" (as that phrase was used by some  
16 TomorrowNow employees). To the extent not admitted, this request is DENIED.

17 **REQUEST FOR ADMISSION NO. 633:**

18 Admit that for each bundle of any Fixes or Updates listed in Exhibit B delivered to a  
19 Customer, TN tested the bundle in that Customer's Local Environment in part by using an  
20 automated sequence of keystrokes pre-recorded using one Customer's Environment and the  
21 automation tool known as NewMerix.

22 **RESPONSE TO REQUEST FOR ADMISSION NO. 633:**

23 Defendants object to this request on the grounds stated in the General Objections and  
24 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
25 respect to the information sought in this request because Defendants SAP AG and SAP America  
26 have no additional knowledge separate and apart from the information provided by Defendant  
27 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
28 "delivered," "tested," "bundle," "environment," and "local environment," are subject to multiple

1 meanings and, as such, are overly broad, vague, and ambiguous. Defendants object that the  
2 phrase “using an automated sequence of keystrokes pre-recorded using one customer’s  
3 environment and the automation tool known as NewMerix” is vague and ambiguous. Further,  
4 Exhibit B lists the names of master fixes as that term was used by TomorrowNow in the SAS  
5 database. The master fixes are not the actual objects that are developed for TomorrowNow  
6 customers. Master bundles and master fixes are records that simply identify problems for which  
7 TomorrowNow generally developed objects to resolve. The object development often took place  
8 at the release level, source level, and customer level. If this request is actually asking for  
9 information related to each and every object TomorrowNow developed, this number is more in  
10 line with the 33,185 listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for  
11 Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this question,  
12 Defendants would have to analyze each individual object in each fix or update contained within  
13 each master bundle. Defendants, therefore, object to this request as compound and unduly  
14 burdensome in that this request seeks information and activities that (1) involved many thousands  
15 of objects, (2) involved numerous employees, (3) took place over several years, and (4) would  
16 require Defendants to review substantial business records to determine an answer, if possible, for  
17 each of the numerous numbers of objects contained within the fixes and updates, and Defendants’  
18 burden in doing so would be substantially similar to the burden for Plaintiffs to do so given that  
19 the available information is at least as equally accessible to Plaintiffs as it is to Defendants.

20 Subject to the General Objections and Responses and these specific objections, after a  
21 reasonable inquiry and based on Defendants’ understanding of these questions, Defendants lack  
22 sufficient knowledge and information to either admit or deny these requests, as the information  
23 sought was not tracked, recorded, or maintained by TomorrowNow in a “readily obtainable  
24 manner.” On this basis, therefore, these requests are DENIED.

25 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 633:**

26 Defendants incorporate by reference, as if fully set forth herein, all of Defendants’  
27 General Objections noted above. Defendants’ response is based solely on Defendant  
28 TomorrowNow’s knowledge with respect to the information sought in this request because

1 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
2 information provided by Defendant TomorrowNow in this response. Defendants object to the  
3 request because the terms and phrases “fix(es),” “update(s),” “delivered,” “tested,” “bundle,”  
4 “environment,” and “local environment,” are capable of multiple meanings and thus, make this  
5 request overly broad, vague and ambiguous. Defendants object that the phrase “using an  
6 automated sequence of keystrokes pre-recorded using one customer’s environment and the  
7 automation tool known as NewMerix” is vague and ambiguous. Further, Exhibit B lists the  
8 names of “master fixes” as that phrase was used by TomorrowNow in the SAS database.  
9 TomorrowNow’s “master fixes” are not the actual objects included in fixes or updates that are  
10 developed for TomorrowNow’s customers. “Master fixes” and “master bundles” are records that  
11 describe the issue to be addressed and then serve as a record keeping device and reference for that  
12 issue and related activity TomorrowNow undertook to address that issue. The actual  
13 development of customer-specific objects included in customer-specific fixes and updates was  
14 referenced to a “master bundle” or “master fix” record for identification and record keeping  
15 purposes. Thus, if this request seeks an admission related to each and every object related to each  
16 and every customer-specific fix or update that TomorrowNow developed, then this single request  
17 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
18 impermissibly seek regarding the 33,185 objects listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third  
19 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
20 intent of this request, then to respond to this request, Defendants would have to analyze each  
21 individual object in each fix or update contained within each master bundle. Defendants,  
22 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
23 because it seeks an admission regarding thousands of separate activities that (1) involved many  
24 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
25 would require Defendants to review enormous volumes of business records to attempt to  
26 determine an answer, if possible, for each of the numerous objects contained within the  
27 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
28 Defendants’ burden associated with responding to this request is substantially similar to the

1 burden for Plaintiffs to obtain the information sought through this request, especially because the  
2 available documents, data and other information from which the answer, if any, could be derived  
3 in response to this request have been produced by Defendants in response to Plaintiffs' other  
4 discovery requests and thus any relevant, available information is now as equally accessible to  
5 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
6 qualifications, Defendants respond as follows:

7 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
8 information Defendants currently know or can readily obtain, Defendants have insufficient  
9 information to admit or deny this request.

10 **REQUEST FOR ADMISSION NO. 634:**

11 Admit that for the majority of bundles of any Fixes or Updates listed in Exhibit B  
12 delivered to a Customer, TN tested the bundle in that Customer's Local Environment in part by  
13 using an automated sequence of keystrokes pre-recorded using one Customer's Environment and  
14 the automation tool known as NewMerix.

15 **RESPONSE TO REQUEST FOR ADMISSION NO. 634:**

16 Defendants object to this request on the grounds stated in the General Objections and  
17 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
18 respect to the information sought in this request because Defendants SAP AG and SAP America  
19 have no additional knowledge separate and apart from the information provided by Defendant  
20 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
21 "delivered," "tested," "bundle," "environment," and "local environment," are subject to multiple  
22 meanings and, as such, are overly broad, vague, and ambiguous. Defendants object that the  
23 phrase "using an automated sequence of keystrokes pre-recorded using one customer's  
24 environment and the automation tool known as NewMerix" is vague and ambiguous. Further,  
25 Exhibit B lists the names of master fixes as that term was used by TomorrowNow in the SAS  
26 database. The master fixes are not the actual objects that are developed for TomorrowNow  
27 customers. Master bundles and master fixes are records that simply identify problems for which  
28 TomorrowNow generally developed objects to resolve. The object development often took place



1 at the release level, source level, and customer level. If this request is actually asking for  
2 information related to each and every object TomorrowNow developed, this number is more in  
3 line with the 33,185 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for  
4 Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this question,  
5 Defendants would have to analyze each individual object in each fix or update contained within  
6 each master bundle. Defendants, therefore, object to this request as compound and unduly  
7 burdensome in that this request seeks information and activities that (1) involved many thousands  
8 of objects, (2) involved numerous employees, (3) took place over several years, and (4) would  
9 require Defendants to review substantial business records to determine an answer, if possible, for  
10 each of the numerous numbers of objects contained within the fixes and updates, and Defendants'  
11 burden in doing so would be substantially similar to the burden for Plaintiffs to do so given that  
12 the available information is at least as equally accessible to Plaintiffs as it is to Defendants.

13 Subject to the General Objections and Responses and these specific objections, after a  
14 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
15 sufficient knowledge and information to either admit or deny these requests, as the information  
16 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
17 manner." On this basis, therefore, these requests are DENIED.

18 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 634:**

19 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
20 General Objections noted above. Defendants' response is based solely on Defendant  
21 TomorrowNow's knowledge with respect to the information sought in this request because  
22 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
23 information provided by Defendant TomorrowNow in this response. Defendants object to the  
24 request because the terms and phrases "fix(es)," "update(s)," "delivered," "tested," "bundle,"  
25 "environment," and "local environment," are capable of multiple meanings and thus, make this  
26 request overly broad, vague and ambiguous. Defendants object that the phrase "using an  
27 automated sequence of keystrokes pre-recorded using one customer's environment and the  
28 automation tool known as NewMerix" is vague and ambiguous. Further, Exhibit B lists the

1 names of “master fixes” as that phrase was used by TomorrowNow in the SAS database.  
2 TomorrowNow’s “master fixes” are not the actual objects included in fixes or updates that are  
3 developed for TomorrowNow’s customers. “Master fixes” and “master bundles” are records that  
4 describe the issue to be addressed and then serve as a record keeping device and reference for that  
5 issue and related activity TomorrowNow undertook to address that issue. The actual  
6 development of customer-specific objects included in customer-specific fixes and updates was  
7 referenced to a “master bundle” or “master fix” record for identification and record keeping  
8 purposes. Thus, if this request seeks an admission related to each and every object related to each  
9 and every customer-specific fix or update that TomorrowNow developed, then this single request  
10 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
11 impermissibly seek regarding the 33,185 objects listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third  
12 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
13 intent of this request, then to respond to this request, Defendants would have to analyze each  
14 individual object in each fix or update contained within each master bundle. Defendants,  
15 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
16 because it seeks an admission regarding thousands of separate activities that (1) involved many  
17 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
18 would require Defendants to review enormous volumes of business records to attempt to  
19 determine an answer, if possible, for each of the numerous objects contained within the  
20 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
21 Defendants’ burden associated with responding to this request is substantially similar to the  
22 burden for Plaintiffs to obtain the information sought through this request, especially because the  
23 available documents, data and other information from which the answer, if any, could be derived  
24 in response to this request have been produced by Defendants in response to Plaintiffs’ other  
25 discovery requests and thus any relevant, available information is now as equally accessible to  
26 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
27 qualifications, Defendants respond as follows:

28 DENIED on the basis that Defendants have made a reasonable inquiry and based on the

1 information Defendants currently know or can readily obtain, Defendants have insufficient  
2 information to admit or deny this request.

3 **REQUEST FOR ADMISSION NO. 635:**

4 Admit that for some bundles of any Fixes or Updates listed in Exhibit B delivered to a  
5 Customer, TN tested the bundle in that Customer's Local Environment in part by using an  
6 automated sequence of keystrokes pre-recorded using one Customer's Environment and the  
7 automation tool known as NewMerix.

8 **RESPONSE TO REQUEST FOR ADMISSION NO. 635:**

9 Defendants object to this request on the grounds stated in the General Objections and  
10 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
11 respect to the information sought in this request because Defendants SAP AG and SAP America  
12 have no additional knowledge separate and apart from the information provided by Defendant  
13 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
14 "delivered," "tested," "bundle," "environment," "some," and "local environment," are subject to  
15 multiple meanings and, as such, are overly broad, vague, and ambiguous. Defendants object that  
16 the phrase "using an automated sequence of keystrokes pre-recorded using one customer's  
17 environment and the automation tool known as NewMerix" is vague and ambiguous. Further,  
18 Exhibit B lists the names of master fixes as that term was used by TomorrowNow in the SAS  
19 database. The master fixes are not the actual objects that are developed for TomorrowNow  
20 customers. Master bundles and master fixes are records that simply identify problems for which  
21 TomorrowNow generally developed objects to resolve. The object development often took place  
22 at the release level, source level, and customer level. If this request is actually asking for  
23 information related to each and every object TomorrowNow developed, this number is more in  
24 line with the 33,185 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for  
25 Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this question,  
26 Defendants would have to analyze each individual object in each fix or update contained within  
27 each master bundle. Defendants, therefore, object to this request as compound and unduly  
28 burdensome in that this request seeks information and activities that (1) involved many thousands

1 of objects, (2) involved numerous employees, (3) took place over several years, and (4) would  
2 require Defendants to review substantial business records to determine an answer, if possible, for  
3 each of the numerous numbers of objects contained within the fixes and updates, and Defendants'  
4 burden in doing so would be substantially similar to the burden for Plaintiffs to do so given that  
5 the available information is at least as equally accessible to Plaintiffs as it is to Defendants.

6 Subject to the General Objections and Responses and these specific objections, after a  
7 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
8 sufficient knowledge and information to either admit or deny these requests, as the information  
9 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
10 manner." On this basis, therefore, these requests are DENIED.

11 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 635:**

12 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
13 General Objections noted above. Defendants' response is based solely on Defendant  
14 TomorrowNow's knowledge with respect to the information sought in this request because  
15 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
16 information provided by Defendant TomorrowNow in this response. Defendants object to the  
17 request because the terms and phrases "fix(es)," "update(s)," "delivered," "tested," "bundle,"  
18 "environment," and "local environment," are capable of multiple meanings and thus, make this  
19 request overly broad, vague and ambiguous. Defendants object that the phrase "using an  
20 automated sequence of keystrokes pre-recorded using one customer's environment and the  
21 automation tool known as NewMerix" is vague and ambiguous. Further, Exhibit B lists the  
22 names of "master fixes" as that phrase was used by TomorrowNow in the SAS database.  
23 TomorrowNow's "master fixes" are not the actual objects included in fixes or updates that are  
24 developed for TomorrowNow's customers. "Master fixes" and "master bundles" are records that  
25 describe the issue to be addressed and then serve as a record keeping device and reference for that  
26 issue and related activity TomorrowNow undertook to address that issue. The actual  
27 development of customer-specific objects included in customer-specific fixes and updates was  
28 referenced to a "master bundle" or "master fix" record for identification and record keeping

1 purposes. Thus, if this request seeks an admission related to each and every object related to each  
2 and every customer-specific fix or update that TomorrowNow developed, then this single request  
3 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
4 impermissibly seek regarding the 33,185 objects listed in Plaintiffs' Exhibit D to Plaintiffs' Third  
5 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
6 intent of this request, then to respond to this request, Defendants would have to analyze each  
7 individual object in each fix or update contained within each master bundle. Defendants,  
8 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
9 because it seeks an admission regarding thousands of separate activities that (1) involved many  
10 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
11 would require Defendants to review enormous volumes of business records to attempt to  
12 determine an answer, if possible, for each of the numerous objects contained within the  
13 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
14 Defendants' burden associated with responding to this request is substantially similar to the  
15 burden for Plaintiffs to obtain the information sought through this request, especially because the  
16 available documents, data and other information from which the answer, if any, could be derived  
17 in response to this request have been produced by Defendants in response to Plaintiffs' other  
18 discovery requests and thus any relevant, available information is now as equally accessible to  
19 Plaintiffs as it is to Defendants. Further, in providing this response, Defendants are defining  
20 "some" as "more than one" as suggested by Plaintiffs in their August 10, 2009 meet and confer  
21 letter. Subject to and without waiving the foregoing objections and qualifications, Defendants  
22 respond as follows:

23 ADMITTED on the following qualified basis: TomorrowNow reasonably believes that,  
24 for some of the objects (meaning more than one) associated with the master fix records referenced  
25 in Exhibit B that were included in a customer specific bundle (as that phrase was used by some  
26 TomorrowNow employees), TomorrowNow employees likely tested the objects in part by using  
27 that specific customer's local environment and by using NewMerix pre-recorded scripts. To the  
28 extent not admitted, this request is DENIED.

1 **REQUEST FOR ADMISSION NO. 636:**

2 Admit that for at least one bundle of any Fixes or Updates listed in Exhibit B delivered to  
3 a Customer, TN tested the bundle in that Customer's Local Environment in part by using an  
4 automated sequence of keystrokes pre-recorded using one Customer's Environment and the  
5 automation tool known as NewMerix.

6 **RESPONSE TO REQUEST FOR ADMISSION NO. 636:**

7 Defendants object to this request on the grounds stated in the General Objections and  
8 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
9 respect to the information sought in this request because Defendants SAP AG and SAP America  
10 have no additional knowledge separate and apart from the information provided by Defendant  
11 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
12 "delivered," "tested," "bundle," "environment," and "local environment," are subject to multiple  
13 meanings and, as such, are overly broad, vague, and ambiguous. Defendants object that the  
14 phrase "using an automated sequence of keystrokes pre-recorded using one customer's  
15 environment and the automation tool known as NewMerix" is vague and ambiguous. Further,  
16 Exhibit B lists the names of master fixes as that term was used by TomorrowNow in the SAS  
17 database. The master fixes are not the actual objects that are developed for TomorrowNow  
18 customers. Master bundles and master fixes are records that simply identify problems for which  
19 TomorrowNow generally developed objects to resolve. The object development often took place  
20 at the release level, source level, and customer level. If this request is actually asking for  
21 information related to each and every object TomorrowNow developed, this number is more in  
22 line with the 33,185 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for  
23 Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this question,  
24 Defendants would have to analyze each individual object in each fix or update contained within  
25 each master bundle. Defendants, therefore, object to this request as compound and unduly  
26 burdensome in that this request seeks information and activities that (1) involved many thousands  
27 of objects, (2) involved numerous employees, (3) took place over several years, and (4) would  
28 require Defendants to review substantial business records to determine an answer, if possible, for

1 each of the numerous numbers of objects contained within the fixes and updates, and Defendants'  
2 burden in doing so would be substantially similar to the burden for Plaintiffs to do so given that  
3 the available information is at least as equally accessible to Plaintiffs as it is to Defendants.

4 Subject to the General Objections and Responses and these specific objections, after a  
5 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
6 sufficient knowledge and information to either admit or deny these requests, as the information  
7 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
8 manner." On this basis, therefore, these requests are DENIED.

9 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 636:**

10 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
11 General Objections noted above. Defendants' response is based solely on Defendant  
12 TomorrowNow's knowledge with respect to the information sought in this request because  
13 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
14 information provided by Defendant TomorrowNow in this response. Defendants object to the  
15 request because the terms and phrases "fix(es)," "update(s)," "delivered," "tested," "bundle,"  
16 "environment," and "local environment," are capable of multiple meanings and thus, make this  
17 request overly broad, vague and ambiguous. Defendants object that the phrase "using an  
18 automated sequence of keystrokes pre-recorded using one customer's environment and the  
19 automation tool known as NewMerix" is vague and ambiguous. Further, Exhibit B lists the  
20 names of "master fixes" as that phrase was used by TomorrowNow in the SAS database.  
21 TomorrowNow's "master fixes" are not the actual objects included in fixes or updates that are  
22 developed for TomorrowNow's customers. "Master fixes" and "master bundles" are records that  
23 describe the issue to be addressed and then serve as a record keeping device and reference for that  
24 issue and related activity TomorrowNow undertook to address that issue. The actual  
25 development of customer-specific objects included in customer-specific fixes and updates was  
26 referenced to a "master bundle" or "master fix" record for identification and record keeping  
27 purposes. Thus, if this request seeks an admission related to each and every object related to each  
28 and every customer-specific fix or update that TomorrowNow developed, then this single request

1 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
2 impermissibly seek regarding the 33,185 objects listed in Plaintiffs' Exhibit D to Plaintiffs' Third  
3 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
4 intent of this request, then to respond to this request, Defendants would have to analyze each  
5 individual object in each fix or update contained within each master bundle. Defendants,  
6 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
7 because it seeks an admission regarding thousands of separate activities that (1) involved many  
8 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
9 would require Defendants to review enormous volumes of business records to attempt to  
10 determine an answer, if possible, for each of the numerous objects contained within the  
11 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
12 Defendants' burden associated with responding to this request is substantially similar to the  
13 burden for Plaintiffs to obtain the information sought through this request, especially because the  
14 available documents, data and other information from which the answer, if any, could be derived  
15 in response to this request have been produced by Defendants in response to Plaintiffs' other  
16 discovery requests and thus any relevant, available information is now as equally accessible to  
17 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
18 qualifications, Defendants respond as follows:

19 ADMITTED on the following qualified basis: TomorrowNow reasonably believes that,  
20 for at least one object associated with the master fix records referenced in Exhibit B that was  
21 included in a customer specific bundle (as that phrase was used by some TomorrowNow  
22 employees), TomorrowNow employees likely tested the object in part by using that specific  
23 customer's local environment and by using NewMerix pre-recorded scripts. To the extent not  
24 admitted, this request is DENIED.

25 **REQUEST FOR ADMISSION NO. 637:**

26 Admit that for each bundle of any Fixes or Updates listed in Exhibit B, if the bundle  
27 included multiple Online Objects, TN merged those Online Objects in part by using a single  
28 Local Environment per release for the Customers on the release.



**RESPONSE TO REQUEST FOR ADMISSION NO. 637:**

Defendants object to this request on the grounds stated in the General Objections and Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant TomorrowNow in this response. Defendants object to the request because the terms and phrases "bundle," "online objects," "merged," and "local environment" are subject to multiple meanings and, as such, are overly broad, vague, and ambiguous. Further, Exhibit B lists the names of master fixes as that term was used by TomorrowNow in the SAS database. The master fixes are not the actual objects that are developed for TomorrowNow customers. Master bundles and master fixes are records that simply identify problems for which TomorrowNow generally developed objects to resolve. The object development often took place at the release level, source level, and customer level. If this request is actually asking for information related to each and every object TomorrowNow developed, this number is more in line with the 33,185 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this question, Defendants would have to analyze each individual object in each fix or update contained within each master bundle. Defendants, therefore, object to this request as compound and unduly burdensome in that this request seeks information and activities that (1) involved many thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4) would require Defendants to review substantial business records to determine an answer, if possible, for each of the numerous numbers of objects contained within the fixes and updates, and Defendants' burden in doing so would be substantially similar to the burden for Plaintiffs to do so given that the available information is at least as equally accessible to Plaintiffs as it is to Defendants.

Subject to the General Objections and Responses and these specific objections, after a reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack sufficient knowledge and information to either admit or deny these requests, as the information sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable

1 manner.” On this basis, therefore, these requests are DENIED.

2 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 637:**

3 Defendants incorporate by reference, as if fully set forth herein, all of Defendants’  
4 General Objections noted above. Defendants’ response is based solely on Defendant  
5 TomorrowNow’s knowledge with respect to the information sought in this request because  
6 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
7 information provided by Defendant TomorrowNow in this response. Defendants object to the  
8 request because the terms and phrases “fix(es),” “update(s),” “bundle,” “online objects,”  
9 “merged,” and “local environment” are capable of multiple meanings and thus, make this request  
10 overly broad, vague and ambiguous. Further, Exhibit B lists the names of “master fixes” as that  
11 phrase was used by TomorrowNow in the SAS database. TomorrowNow’s “master fixes” are not  
12 the actual objects included in fixes or updates that are developed for TomorrowNow’s customers.  
13 “Master fixes” and “master bundles” are records that describe the issue to be addressed and then  
14 serve as a record keeping device and reference for that issue and related activity TomorrowNow  
15 undertook to address that issue. The actual development of customer-specific objects included in  
16 customer-specific fixes and updates was referenced to a “master bundle” or “master fix” record  
17 for identification and record keeping purposes. Thus, if this request seeks an admission related to  
18 each and every object related to each and every customer-specific fix or update that  
19 TomorrowNow developed, then this single request impermissibly seeks literally thousands of  
20 admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects  
21 listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for Admissions to SAP AG,  
22 SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
23 request, Defendants would have to analyze each individual object in each fix or update contained  
24 within each master bundle. Defendants, therefore, object on the basis that this request is  
25 compound, overly broad and unduly burdensome because it seeks an admission regarding  
26 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
27 numerous employees, (3) took place over several years, and (4) would require Defendants to  
28 review enormous volumes of business records to attempt to determine an answer, if possible, for

1 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
2 Defendants object to this request on the basis that Defendants' burden associated with responding  
3 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
4 through this request, especially because the available documents, data and other information from  
5 which the answer, if any, could be derived in response to this request have been produced by  
6 Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available  
7 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and  
8 without waiving the foregoing objections and qualifications, Defendants respond as follows:

9 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
10 information Defendants currently know or can readily obtain, Defendants have insufficient  
11 information to admit or deny this request.

12 **REQUEST FOR ADMISSION NO. 638:**

13 Admit that for the majority of bundles of any Fixes or Updates listed in Exhibit B, if the  
14 bundle included multiple Online Objects, TN merged those Online Objects in part by using a  
15 single Local Environment per release for the Customers on the release.

16 **RESPONSE TO REQUEST FOR ADMISSION NO. 638:**

17 Defendants object to this request on the grounds stated in the General Objections and  
18 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
19 respect to the information sought in this request because Defendants SAP AG and SAP America  
20 have no additional knowledge separate and apart from the information provided by Defendant  
21 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
22 "bundle," "online objects," "merged," and "local environment" are subject to multiple meanings  
23 and, as such, are overly broad, vague, and ambiguous. Further, Exhibit B lists the names of  
24 master fixes as that term was used by TomorrowNow in the SAS database. The master fixes are  
25 not the actual objects that are developed for TomorrowNow customers. Master bundles and  
26 master fixes are records that simply identify problems for which TomorrowNow generally  
27 developed objects to resolve. The object development often took place at the release level,  
28 source level, and customer level. If this request is actually asking for information related to each

1 and every object TomorrowNow developed, this number is more in line with the 33,185 listed in  
2 Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG, SAP  
3 America, and TomorrowNow. To respond to this question, Defendants would have to analyze  
4 each individual object in each fix or update contained within each master bundle. Defendants,  
5 therefore, object to this request as compound and unduly burdensome in that this request seeks  
6 information and activities that (1) involved many thousands of objects, (2) involved numerous  
7 employees, (3) took place over several years, and (4) would require Defendants to review  
8 substantial business records to determine an answer, if possible, for each of the numerous  
9 numbers of objects contained within the fixes and updates, and Defendants' burden in doing so  
10 would be substantially similar to the burden for Plaintiffs to do so given that the available  
11 information is at least as equally accessible to Plaintiffs as it is to Defendants.

12 Subject to the General Objections and Responses and these specific objections, after a  
13 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
14 sufficient knowledge and information to either admit or deny these requests, as the information  
15 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
16 manner." On this basis, therefore, these requests are DENIED.

17 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 638:**

18 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
19 General Objections noted above. Defendants' response is based solely on Defendant  
20 TomorrowNow's knowledge with respect to the information sought in this request because  
21 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
22 information provided by Defendant TomorrowNow in this response. Defendants object to the  
23 request because the terms and phrases "fix(es)," "update(s)," "bundle," "online objects,"  
24 "merged," and "local environment" are capable of multiple meanings and thus, make this request  
25 overly broad, vague and ambiguous. Further, Exhibit B lists the names of "master fixes" as that  
26 phrase was used by TomorrowNow in the SAS database. TomorrowNow's "master fixes" are not  
27 the actual objects included in fixes or updates that are developed for TomorrowNow's customers.  
28 "Master fixes" and "master bundles" are records that describe the issue to be addressed and then

1 serve as a record keeping device and reference for that issue and related activity TomorrowNow  
2 undertook to address that issue. The actual development of customer-specific objects included in  
3 customer-specific fixes and updates was referenced to a “master bundle” or “master fix” record  
4 for identification and record keeping purposes. Thus, if this request seeks an admission related to  
5 each and every object related to each and every customer-specific fix or update that  
6 TomorrowNow developed, then this single request impermissibly seeks literally thousands of  
7 admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects  
8 listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for Admissions to SAP AG,  
9 SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
10 request, Defendants would have to analyze each individual object in each fix or update contained  
11 within each master bundle. Defendants, therefore, object on the basis that this request is  
12 compound, overly broad and unduly burdensome because it seeks an admission regarding  
13 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
14 numerous employees, (3) took place over several years, and (4) would require Defendants to  
15 review enormous volumes of business records to attempt to determine an answer, if possible, for  
16 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
17 Defendants object to this request on the basis that Defendants’ burden associated with responding  
18 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
19 through this request, especially because the available documents, data and other information from  
20 which the answer, if any, could be derived in response to this request have been produced by  
21 Defendants in response to Plaintiffs’ other discovery requests and thus any relevant, available  
22 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and  
23 without waiving the foregoing objections and qualifications, Defendants respond as follows:

24 ADMITTED on the following qualified basis: TomorrowNow reasonably believes that,  
25 for the majority (meaning at least one online object more than half of the total online objects) of  
26 the online objects (as that term was used by some TomorrowNow employees) associated with the  
27 master fix records referenced in Exhibit B that were included in a customer specific bundle (as  
28 that phrase was used by some TomorrowNow employees), TomorrowNow employees likely used

1 a single local environment component per release to package the online objects for a specific  
2 customer on any specific release. To the extent not admitted, this request is DENIED.

3 **REQUEST FOR ADMISSION NO. 639:**

4 Admit that for some bundles of any Fixes or Updates listed in Exhibit B, if the bundle  
5 included multiple Online Objects, TN merged those Online Objects in part by using a single  
6 Local Environment per release for the Customers on the release.

7 **RESPONSE TO REQUEST FOR ADMISSION NO. 639:**

8 Defendants object to this request on the grounds stated in the General Objections and  
9 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
10 respect to the information sought in this request because Defendants SAP AG and SAP America  
11 have no additional knowledge separate and apart from the information provided by Defendant  
12 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
13 "bundle," "online objects," "merged," "some," and "local environment" are subject to multiple  
14 meanings and, as such, are overly broad, vague, and ambiguous. Further, Exhibit B lists the  
15 names of master fixes as that term was used by TomorrowNow in the SAS database. The master  
16 fixes are not the actual objects that are developed for TomorrowNow customers. Master bundles  
17 and master fixes are records that simply identify problems for which TomorrowNow generally  
18 developed objects to resolve. The object development often took place at the release level,  
19 source level, and customer level. If this request is actually asking for information related to each  
20 and every object TomorrowNow developed, this number is more in line with the 33,185 listed in  
21 Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG, SAP  
22 America, and TomorrowNow. To respond to this question, Defendants would have to analyze  
23 each individual object in each fix or update contained within each master bundle. Defendants,  
24 therefore, object to this request as compound and unduly burdensome in that this request seeks  
25 information and activities that (1) involved many thousands of objects, (2) involved numerous  
26 employees, (3) took place over several years, and (4) would require Defendants to review  
27 substantial business records to determine an answer, if possible, for each of the numerous  
28 numbers of objects contained within the fixes and updates, and Defendants' burden in doing so

1 would be substantially similar to the burden for Plaintiffs to do so given that the available  
2 information is at least as equally accessible to Plaintiffs as it is to Defendants.

3 Subject to the General Objections and Responses and these specific objections, after a  
4 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
5 sufficient knowledge and information to either admit or deny these requests, as the information  
6 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
7 manner." On this basis, therefore, these requests are DENIED.

8 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 639:**

9 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
10 General Objections noted above. Defendants' response is based solely on Defendant  
11 TomorrowNow's knowledge with respect to the information sought in this request because  
12 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
13 information provided by Defendant TomorrowNow in this response. Defendants object to the  
14 request because the terms and phrases "fix(es)," "update(s)," "bundle," "online objects,"  
15 "merged," and "local environment" are capable of multiple meanings and thus, make this request  
16 overly broad, vague and ambiguous. Further, Exhibit B lists the names of "master fixes" as that  
17 phrase was used by TomorrowNow in the SAS database. TomorrowNow's "master fixes" are not  
18 the actual objects included in fixes or updates that are developed for TomorrowNow's customers.  
19 "Master fixes" and "master bundles" are records that describe the issue to be addressed and then  
20 serve as a record keeping device and reference for that issue and related activity TomorrowNow  
21 undertook to address that issue. The actual development of customer-specific objects included in  
22 customer-specific fixes and updates was referenced to a "master bundle" or "master fix" record  
23 for identification and record keeping purposes. Thus, if this request seeks an admission related to  
24 each and every object related to each and every customer-specific fix or update that  
25 TomorrowNow developed, then this single request impermissibly seeks literally thousands of  
26 admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects  
27 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG,  
28 SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this

1 request, Defendants would have to analyze each individual object in each fix or update contained  
2 within each master bundle. Defendants, therefore, object on the basis that this request is  
3 compound, overly broad and unduly burdensome because it seeks an admission regarding  
4 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
5 numerous employees, (3) took place over several years, and (4) would require Defendants to  
6 review enormous volumes of business records to attempt to determine an answer, if possible, for  
7 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
8 Defendants object to this request on the basis that Defendants' burden associated with responding  
9 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
10 through this request, especially because the available documents, data and other information from  
11 which the answer, if any, could be derived in response to this request have been produced by  
12 Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available  
13 information is now as equally accessible to Plaintiffs as it is to Defendants. Further, in providing  
14 this response, Defendants are defining "some" as "more than one" as suggested by Plaintiffs in  
15 their August 10, 2009 meet and confer letter. Subject to and without waiving the foregoing  
16 objections and qualifications, Defendants respond as follows:

17 ADMITTED on the following qualified basis: TomorrowNow reasonably believes that,  
18 for some (meaning more than one) of the online objects (as that term was used by some  
19 TomorrowNow employees) associated with the master fix records referenced in Exhibit B that  
20 were included in a customer specific bundle (as that phrase was used by some TomorrowNow  
21 employees), TomorrowNow employees likely used a single local environment component per  
22 release to package the online objects for a specific customer on any specific release. To the  
23 extent not admitted, this request is DENIED.

24 **REQUEST FOR ADMISSION NO. 640:**

25 Admit that for at least one bundle of any Fixes or Updates listed in Exhibit B, if the  
26 bundle included multiple Online Objects, TN merged those Online Objects in part by using a  
27 single Local Environment per release for the Customers on the release.  
28



**RESPONSE TO REQUEST FOR ADMISSION NO. 640:**

Defendants object to this request on the grounds stated in the General Objections and Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant TomorrowNow in this response. Defendants object to the request because the terms and phrases "bundle," "online objects," "merged," and "local environment" are subject to multiple meanings and, as such, are overly broad, vague, and ambiguous. Further, Exhibit B lists the names of master fixes as that term was used by TomorrowNow in the SAS database. The master fixes are not the actual objects that are developed for TomorrowNow customers. Master bundles and master fixes are records that simply identify problems for which TomorrowNow generally developed objects to resolve. The object development often took place at the release level, source level, and customer level. If this request is actually asking for information related to each and every object TomorrowNow developed, this number is more in line with the 33,185 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this question, Defendants would have to analyze each individual object in each fix or update contained within each master bundle. Defendants, therefore, object to this request as compound and unduly burdensome in that this request seeks information and activities that (1) involved many thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4) would require Defendants to review substantial business records to determine an answer, if possible, for each of the numerous numbers of objects contained within the fixes and updates, and Defendants' burden in doing so would be substantially similar to the burden for Plaintiffs to do so given that the available information is at least as equally accessible to Plaintiffs as it is to Defendants.

Subject to the General Objections and Responses and these specific objections, after a reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack sufficient knowledge and information to either admit or deny these requests, as the information sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable

1 manner.” On this basis, therefore, these requests are DENIED.

2 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 640:**

3 Defendants incorporate by reference, as if fully set forth herein, all of Defendants’  
4 General Objections noted above. Defendants’ response is based solely on Defendant  
5 TomorrowNow’s knowledge with respect to the information sought in this request because  
6 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
7 information provided by Defendant TomorrowNow in this response. Defendants object to the  
8 request because the terms and phrases “fix(es),” “update(s),” “bundle,” “online objects,”  
9 “merged,” and “local environment” are capable of multiple meanings and thus, make this request  
10 overly broad, vague and ambiguous. Further, Exhibit B lists the names of “master fixes” as that  
11 phrase was used by TomorrowNow in the SAS database. TomorrowNow’s “master fixes” are not  
12 the actual objects included in fixes or updates that are developed for TomorrowNow’s customers.  
13 “Master fixes” and “master bundles” are records that describe the issue to be addressed and then  
14 serve as a record keeping device and reference for that issue and related activity TomorrowNow  
15 undertook to address that issue. The actual development of customer-specific objects included in  
16 customer-specific fixes and updates was referenced to a “master bundle” or “master fix” record  
17 for identification and record keeping purposes. Thus, if this request seeks an admission related to  
18 each and every object related to each and every customer-specific fix or update that  
19 TomorrowNow developed, then this single request impermissibly seeks literally thousands of  
20 admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects  
21 listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for Admissions to SAP AG,  
22 SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
23 request, Defendants would have to analyze each individual object in each fix or update contained  
24 within each master bundle. Defendants, therefore, object on the basis that this request is  
25 compound, overly broad and unduly burdensome because it seeks an admission regarding  
26 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
27 numerous employees, (3) took place over several years, and (4) would require Defendants to  
28 review enormous volumes of business records to attempt to determine an answer, if possible, for

1 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
2 Defendants object to this request on the basis that Defendants' burden associated with responding  
3 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
4 through this request, especially because the available documents, data and other information from  
5 which the answer, if any, could be derived in response to this request have been produced by  
6 Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available  
7 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and  
8 without waiving the foregoing objections and qualifications, Defendants respond as follows:

9 ADMITTED on the following qualified basis: TomorrowNow reasonably believes that,  
10 for at least one of the online objects (as that term was used by some TomorrowNow employees)  
11 associated with the master fix records referenced in Exhibit B that was included in a customer  
12 specific bundle (as that phrase was used by some TomorrowNow employees), TomorrowNow  
13 employees likely used a single local environment component per release to package the online  
14 object for a specific customer on any specific release. To the extent not admitted, this request is  
15 DENIED.

16 **REQUEST FOR ADMISSION NO. 641:**

17 Admit that for each Fix or Update listed in Exhibit B, the documentation delivered to  
18 Customers along with such Fix or Update, such as instruction documents, guide documents, or  
19 notes documents, was generated in part by Copying significant portions of documentation  
20 originally published by PeopleSoft.

21 **RESPONSE TO REQUEST FOR ADMISSION NO. 641:**

22 Defendants object to this request on the grounds stated in the General Objections and  
23 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
24 respect to the information sought in this request because Defendants SAP AG and SAP America  
25 have no additional knowledge separate and apart from the information provided by Defendant  
26 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
27 "documentation," "delivered," "such as instruction documents, guide documents, or notes  
28 documents," "generated," "copying," "significant portions," and "originally published by

1 PeopleSoft” are subject to multiple meanings and, as such, are overly broad, vague, and  
2 ambiguous. Defendants object to the phrase “in part by copying significant portions of  
3 documentation originally published by PeopleSoft” as calling for a legal conclusion. Further,  
4 Exhibit B lists the names of master fixes as that term was used by TomorrowNow in the SAS  
5 database. The master fixes are not the actual objects that are developed for TomorrowNow  
6 customers. Master bundles and master fixes are records that simply identify problems for which  
7 TomorrowNow generally developed objects to resolve. The object development often took place  
8 at the release level, source level, and customer level. If this request is actually asking for  
9 information related to each and every object TomorrowNow developed, this number is more in  
10 line with the 33,185 listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for  
11 Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this question,  
12 Defendants would have to analyze each individual object in each fix or update contained within  
13 each master bundle. Defendants, therefore, object to this request as compound and unduly  
14 burdensome in that this request seeks information and activities that (1) involved many thousands  
15 of objects, (2) involved numerous employees, (3) took place over several years, and (4) would  
16 require Defendants to review substantial business records to determine an answer, if possible, for  
17 each of the numerous numbers of objects contained within the fixes and updates, and Defendants’  
18 burden in doing so would be substantially similar to the burden for Plaintiffs to do so given that  
19 the available information is at least as equally accessible to Plaintiffs as it is to Defendants.

20 Subject to the General Objections and Responses and these specific objections, after a  
21 reasonable inquiry and based on Defendants’ understanding of these questions, Defendants lack  
22 sufficient knowledge and information to either admit or deny these requests, as the information  
23 sought was not tracked, recorded, or maintained by TomorrowNow in a “readily obtainable  
24 manner.” On this basis, therefore, these requests are DENIED.

25 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 641:**

26 Defendants incorporate by reference, as if fully set forth herein, all of Defendants’  
27 General Objections noted above. Defendants’ response is based solely on Defendant  
28 TomorrowNow’s knowledge with respect to the information sought in this request because

1 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
2 information provided by Defendant TomorrowNow in this response. Defendants object to the  
3 request because the terms and phrases “fix,” “update,” “documentation,” “delivered,” “such as  
4 instruction documents, guide documents, or notes documents,” “generated,” “copying,”  
5 “significant portions,” and “originally published by PeopleSoft” are capable of multiple meanings  
6 and thus, make this request overly broad, vague and ambiguous. Defendants object to the phrase  
7 “in part by copying significant portions of documentation originally published by PeopleSoft” as  
8 calling for a legal conclusion. Further, Exhibit B lists the names of “master fixes” as that phrase  
9 was used by TomorrowNow in the SAS database. TomorrowNow’s “master fixes” are not the  
10 actual objects included in fixes or updates that are developed for TomorrowNow’s customers.  
11 “Master fixes” and “master bundles” are records that describe the issue to be addressed and then  
12 serve as a record keeping device and reference for that issue and related activity TomorrowNow  
13 undertook to address that issue. The actual development of customer-specific objects included in  
14 customer-specific fixes and updates was referenced to a “master bundle” or “master fix” record  
15 for identification and record keeping purposes. Thus, if this request seeks an admission related to  
16 each and every object related to each and every customer-specific fix or update that  
17 TomorrowNow developed, then this single request impermissibly seeks literally thousands of  
18 admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects  
19 listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for Admissions to SAP AG,  
20 SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
21 request, Defendants would have to analyze each individual object in each fix or update contained  
22 within each master bundle. Defendants, therefore, object on the basis that this request is  
23 compound, overly broad and unduly burdensome because it seeks an admission regarding  
24 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
25 numerous employees, (3) took place over several years, and (4) would require Defendants to  
26 review enormous volumes of business records to attempt to determine an answer, if possible, for  
27 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
28 Defendants object to this request on the basis that Defendants’ burden associated with responding

1 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
2 through this request, especially because the available documents, data and other information from  
3 which the answer, if any, could be derived in response to this request have been produced by  
4 Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available  
5 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and  
6 without waiving the foregoing objections and qualifications, Defendants respond as follows:

7 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
8 information Defendants currently know or can readily obtain, Defendants have insufficient  
9 information to admit or deny this request.

10 **REQUEST FOR ADMISSION NO. 642:**

11 Admit that for the majority of Fixes or Updates listed in Exhibit B, the documentation  
12 delivered to Customers along with such Fix or Update, such as instruction documents, guide  
13 documents, or notes documents, was generated in part by Copying significant portions of  
14 documentation originally published by PeopleSoft.

15 **RESPONSE TO REQUEST FOR ADMISSION NO. 642:**

16 Defendants object to this request on the grounds stated in the General Objections and  
17 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
18 respect to the information sought in this request because Defendants SAP AG and SAP America  
19 have no additional knowledge separate and apart from the information provided by Defendant  
20 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
21 "documentation," "delivered," "such as instruction documents, guide documents, or notes  
22 documents," "generated," "copying," "significant portions," and "originally published by  
23 PeopleSoft" are subject to multiple meanings and, as such, are overly broad, vague, and  
24 ambiguous. Defendants object to the phrase "in party by copying significant portions of  
25 documentation originally published by PeopleSoft" as calling for a legal conclusion. Further,  
26 Exhibit B lists the names of master fixes as that term was used by TomorrowNow in the SAS  
27 database. The master fixes are not the actual objects that are developed for TomorrowNow  
28 customers. Master bundles and master fixes are records that simply identify problems for which

1 TomorrowNow generally developed objects to resolve. The object development often took place  
2 at the release level, source level, and customer level. If this request is actually asking for  
3 information related to each and every object TomorrowNow developed, this number is more in  
4 line with the 33,185 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for  
5 Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this question,  
6 Defendants would have to analyze each individual object in each fix or update contained within  
7 each master bundle. Defendants, therefore, object to this request as compound and unduly  
8 burdensome in that this request seeks information and activities that (1) involved many thousands  
9 of objects, (2) involved numerous employees, (3) took place over several years, and (4) would  
10 require Defendants to review substantial business records to determine an answer, if possible, for  
11 each of the numerous numbers of objects contained within the fixes and updates, and Defendants'  
12 burden in doing so would be substantially similar to the burden for Plaintiffs to do so given that  
13 the available information is at least as equally accessible to Plaintiffs as it is to Defendants.

14 Subject to the General Objections and Responses and these specific objections, after a  
15 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
16 sufficient knowledge and information to either admit or deny these requests, as the information  
17 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
18 manner." On this basis, therefore, these requests are DENIED.

19 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 642:**

20 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
21 General Objections noted above. Defendants' response is based solely on Defendant  
22 TomorrowNow's knowledge with respect to the information sought in this request because  
23 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
24 information provided by Defendant TomorrowNow in this response. Defendants object to the  
25 request because the terms and phrases "fix(es)," "update(s)," "documentation," "delivered," "such  
26 as instruction documents, guide documents, or notes documents," "generated," "copying,"  
27 "significant portions," and "originally published by PeopleSoft" are capable of multiple meanings  
28 and thus, make this request overly broad, vague and ambiguous. Defendants object to the phrase

1 “in part by copying significant portions of documentation originally published by PeopleSoft” as  
2 calling for a legal conclusion. Further, Exhibit B lists the names of “master fixes” as that phrase  
3 was used by TomorrowNow in the SAS database. TomorrowNow’s “master fixes” are not the  
4 actual objects included in fixes or updates that are developed for TomorrowNow’s customers.  
5 “Master fixes” and “master bundles” are records that describe the issue to be addressed and then  
6 serve as a record keeping device and reference for that issue and related activity TomorrowNow  
7 undertook to address that issue. The actual development of customer-specific objects included in  
8 customer-specific fixes and updates was referenced to a “master bundle” or “master fix” record  
9 for identification and record keeping purposes. Thus, if this request seeks an admission related to  
10 each and every object related to each and every customer-specific fix or update that  
11 TomorrowNow developed, then this single request impermissibly seeks literally thousands of  
12 admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects  
13 listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for Admissions to SAP AG,  
14 SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
15 request, Defendants would have to analyze each individual object in each fix or update contained  
16 within each master bundle. Defendants, therefore, object on the basis that this request is  
17 compound, overly broad and unduly burdensome because it seeks an admission regarding  
18 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
19 numerous employees, (3) took place over several years, and (4) would require Defendants to  
20 review enormous volumes of business records to attempt to determine an answer, if possible, for  
21 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
22 Defendants object to this request on the basis that Defendants’ burden associated with responding  
23 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
24 through this request, especially because the available documents, data and other information from  
25 which the answer, if any, could be derived in response to this request have been produced by  
26 Defendants in response to Plaintiffs’ other discovery requests and thus any relevant, available  
27 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and  
28 without waiving the foregoing objections and qualifications, Defendants respond as follows:



1 ADMITTED on the following qualified basis: TomorrowNow reasonably believes that,  
2 for the majority of the objects (meaning at least one object more than half of the total objects)  
3 associated with the master fix records referenced in Exhibit B, the documentation that was  
4 delivered with an object to a TomorrowNow customer was generated in part by using certain  
5 portions of documentation posted with a PeopleSoft tax update. To the extent not admitted, this  
6 request is DENIED.

7 **REQUEST FOR ADMISSION NO. 643:**

8 Admit that for some of the Fixes or Updates listed in Exhibit B, the documentation  
9 delivered to Customers along with such Fix or Update, such as instruction documents, guide  
10 documents, or notes documents, was generated in part by Copying significant portions of  
11 documentation originally published by PeopleSoft.

12 **RESPONSE TO REQUEST FOR ADMISSION NO. 643:**

13 Defendants object to this request on the grounds stated in the General Objections and  
14 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
15 respect to the information sought in this request because Defendants SAP AG and SAP America  
16 have no additional knowledge separate and apart from the information provided by Defendant  
17 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
18 "documentation," "delivered," "such as instruction documents, guide documents, or notes  
19 documents," "generated," "copying," "significant portions," "some," and "originally published by  
20 PeopleSoft" are subject to multiple meanings and, as such, are overly broad, vague, and  
21 ambiguous. Defendants object to the phrase "in party by copying significant portions of  
22 documentation originally published by PeopleSoft" as calling for a legal conclusion. Further,  
23 Exhibit B lists the names of master fixes as that term was used by TomorrowNow in the SAS  
24 database. The master fixes are not the actual objects that are developed for TomorrowNow  
25 customers. Master bundles and master fixes are records that simply identify problems for which  
26 TomorrowNow generally developed objects to resolve. The object development often took place  
27 at the release level, source level, and customer level. If this request is actually asking for  
28 information related to each and every object TomorrowNow developed, this number is more in

1 line with the 33,185 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for  
2 Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this question,  
3 Defendants would have to analyze each individual object in each fix or update contained within  
4 each master bundle. Defendants, therefore, object to this request as compound and unduly  
5 burdensome in that this request seeks information and activities that (1) involved many thousands  
6 of objects, (2) involved numerous employees, (3) took place over several years, and (4) would  
7 require Defendants to review substantial business records to determine an answer, if possible, for  
8 each of the numerous numbers of objects contained within the fixes and updates, and Defendants'  
9 burden in doing so would be substantially similar to the burden for Plaintiffs to do so given that  
10 the available information is at least as equally accessible to Plaintiffs as it is to Defendants.

11 Subject to the General Objections and Responses and these specific objections, after a  
12 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
13 sufficient knowledge and information to either admit or deny these requests, as the information  
14 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
15 manner." On this basis, therefore, these requests are DENIED.

16 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 643:**

17 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
18 General Objections noted above. Defendants' response is based solely on Defendant  
19 TomorrowNow's knowledge with respect to the information sought in this request because  
20 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
21 information provided by Defendant TomorrowNow in this response. Defendants object to the  
22 request because the terms and phrases "fix(es)," "update(s)," "documentation," "delivered," "such  
23 as instruction documents, guide documents, or notes documents," "generated," "copying,"  
24 "significant portions," and "originally published by PeopleSoft" are capable of multiple meanings  
25 and thus, make this request overly broad, vague and ambiguous. Defendants object to the phrase  
26 "in part by copying significant portions of documentation originally published by PeopleSoft" as  
27 calling for a legal conclusion. Further, Exhibit B lists the names of "master fixes" as that phrase  
28 was used by TomorrowNow in the SAS database. TomorrowNow's "master fixes" are not the

1 actual objects included in fixes or updates that are developed for TomorrowNow's customers.  
2 "Master fixes" and "master bundles" are records that describe the issue to be addressed and then  
3 serve as a record keeping device and reference for that issue and related activity TomorrowNow  
4 undertook to address that issue. The actual development of customer-specific objects included in  
5 customer-specific fixes and updates was referenced to a "master bundle" or "master fix" record  
6 for identification and record keeping purposes. Thus, if this request seeks an admission related to  
7 each and every object related to each and every customer-specific fix or update that  
8 TomorrowNow developed, then this single request impermissibly seeks literally thousands of  
9 admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects  
10 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG,  
11 SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
12 request, Defendants would have to analyze each individual object in each fix or update contained  
13 within each master bundle. Defendants, therefore, object on the basis that this request is  
14 compound, overly broad and unduly burdensome because it seeks an admission regarding  
15 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
16 numerous employees, (3) took place over several years, and (4) would require Defendants to  
17 review enormous volumes of business records to attempt to determine an answer, if possible, for  
18 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
19 Defendants object to this request on the basis that Defendants' burden associated with responding  
20 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
21 through this request, especially because the available documents, data and other information from  
22 which the answer, if any, could be derived in response to this request have been produced by  
23 Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available  
24 information is now as equally accessible to Plaintiffs as it is to Defendants. Further, in providing  
25 this response, Defendants are defining "some" as "more than one" as suggested by Plaintiffs in  
26 their August 10, 2009 meet and confer letter. Subject to and without waiving the foregoing  
27 objections and qualifications, Defendants respond as follows:

28 ADMITTED on the following qualified basis: For some of the objects (meaning more

1 than one) associated with the master fix records referenced in Exhibit B, the documentation that  
2 was delivered with an object to a TomorrowNow customer was generated in part by using certain  
3 portions of documentation posted with a PeopleSoft tax update . To the extent not admitted, this  
4 request is DENIED.

5 **REQUEST FOR ADMISSION NO. 644:**

6 Admit that for at least one of the Fixes or Updates listed in Exhibit B, the documentation  
7 delivered to Customers along with such Fix or Update, such as instruction documents, guide  
8 documents, or notes documents, was generated in part by Copying significant portions of  
9 documentation originally published by PeopleSoft.

10 **RESPONSE TO REQUEST FOR ADMISSION NO. 644:**

11 Defendants object to this request on the grounds stated in the General Objections and  
12 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
13 respect to the information sought in this request because Defendants SAP AG and SAP America  
14 have no additional knowledge separate and apart from the information provided by Defendant  
15 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
16 "documentation," "delivered," "such as instruction documents, guide documents, or notes  
17 documents," "generated," "copying," "significant portions," and "originally published by  
18 PeopleSoft" are subject to multiple meanings and, as such, are overly broad, vague, and  
19 ambiguous. Defendants object to the phrase "in party by copying significant portions of  
20 documentation originally published by PeopleSoft" as calling for a legal conclusion. Further,  
21 Exhibit B lists the names of master fixes as that term was used by TomorrowNow in the SAS  
22 database. The master fixes are not the actual objects that are developed for TomorrowNow  
23 customers. Master bundles and master fixes are records that simply identify problems for which  
24 TomorrowNow generally developed objects to resolve. The object development often took place  
25 at the release level, source level, and customer level. If this request is actually asking for  
26 information related to each and every object TomorrowNow developed, this number is more in  
27 line with the 33,185 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for  
28 Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this question,

1 Defendants would have to analyze each individual object in each fix or update contained within  
2 each master bundle. Defendants, therefore, object to this request as compound and unduly  
3 burdensome in that this request seeks information and activities that (1) involved many thousands  
4 of objects, (2) involved numerous employees, (3) took place over several years, and (4) would  
5 require Defendants to review substantial business records to determine an answer, if possible, for  
6 each of the numerous numbers of objects contained within the fixes and updates, and Defendants'  
7 burden in doing so would be substantially similar to the burden for Plaintiffs to do so given that  
8 the available information is at least as equally accessible to Plaintiffs as it is to Defendants.

9 Subject to the General Objections and Responses and these specific objections, after a  
10 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
11 sufficient knowledge and information to either admit or deny these requests, as the information  
12 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
13 manner." On this basis, therefore, these requests are DENIED.

14 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 644:**

15 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
16 General Objections noted above. Defendants' response is based solely on Defendant  
17 TomorrowNow's knowledge with respect to the information sought in this request because  
18 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
19 information provided by Defendant TomorrowNow in this response. Defendants object to the  
20 request because the terms and phrases "fix(es)," "update(s)," "documentation," "delivered," "such  
21 as instruction documents, guide documents, or notes documents," "generated," "copying,"  
22 "significant portions," and "originally published by PeopleSoft" are capable of multiple meanings  
23 and thus, make this request overly broad, vague and ambiguous. Defendants object to the phrase  
24 "in part by copying significant portions of documentation originally published by PeopleSoft" as  
25 calling for a legal conclusion. Further, Exhibit B lists the names of "master fixes" as that phrase  
26 was used by TomorrowNow in the SAS database. TomorrowNow's "master fixes" are not the  
27 actual objects included in fixes or updates that are developed for TomorrowNow's customers.  
28 "Master fixes" and "master bundles" are records that describe the issue to be addressed and then

1 serve as a record keeping device and reference for that issue and related activity TomorrowNow  
2 undertook to address that issue. The actual development of customer-specific objects included in  
3 customer-specific fixes and updates was referenced to a “master bundle” or “master fix” record  
4 for identification and record keeping purposes. Thus, if this request seeks an admission related to  
5 each and every object related to each and every customer-specific fix or update that  
6 TomorrowNow developed, then this single request impermissibly seeks literally thousands of  
7 admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects  
8 listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for Admissions to SAP AG,  
9 SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
10 request, Defendants would have to analyze each individual object in each fix or update contained  
11 within each master bundle. Defendants, therefore, object on the basis that this request is  
12 compound, overly broad and unduly burdensome because it seeks an admission regarding  
13 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
14 numerous employees, (3) took place over several years, and (4) would require Defendants to  
15 review enormous volumes of business records to attempt to determine an answer, if possible, for  
16 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
17 Defendants object to this request on the basis that Defendants’ burden associated with responding  
18 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
19 through this request, especially because the available documents, data and other information from  
20 which the answer, if any, could be derived in response to this request have been produced by  
21 Defendants in response to Plaintiffs’ other discovery requests and thus any relevant, available  
22 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and  
23 without waiving the foregoing objections and qualifications, Defendants respond as follows:

24 ADMITTED on the following qualified basis: For at least one of the objects associated  
25 with the master fix records referenced in Exhibit B, the documentation that was delivered with an  
26 object to a TomorrowNow customer was generated in part by using certain portions of  
27 documentation posted with a PeopleSoft tax update. To the extent not admitted, this request is  
28 DENIED.

1 **REQUEST FOR ADMISSION NO. 645:**

2 Admit that for each Fix or Update listed in Exhibit B, the documentation delivered to  
3 Customers along with such Fix or Update, such as instruction documents, guide documents, or  
4 notes documents, was generated in part by Copying some portion of documentation originally  
5 published by PeopleSoft.

6 **RESPONSE TO REQUEST FOR ADMISSION NO. 645:**

7 Defendants object to this request on the grounds stated in the General Objections and  
8 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
9 respect to the information sought in this request because Defendants SAP AG and SAP America  
10 have no additional knowledge separate and apart from the information provided by Defendant  
11 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
12 "documentation," "delivered," "such as instruction documents, guide documents, or notes  
13 documents," "generated," "copying," "some portion," and "originally published by PeopleSoft"  
14 are subject to multiple meanings and, as such, are overly broad, vague, and ambiguous.  
15 Defendants object to the phrase "in party by copying some portion of documentation originally  
16 published by PeopleSoft" as calling for a legal conclusion. Further, Exhibit B lists the names of  
17 master fixes as that term was used by TomorrowNow in the SAS database. The master fixes are  
18 not the actual objects that are developed for TomorrowNow customers. Master bundles and  
19 master fixes are records that simply identify problems for which TomorrowNow generally  
20 developed objects to resolve. The object development often took place at the release level,  
21 source level, and customer level. If this request is actually asking for information related to each  
22 and every object TomorrowNow developed, this number is more in line with the 33,185 listed in  
23 Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG, SAP  
24 America, and TomorrowNow. To respond to this question, Defendants would have to analyze  
25 each individual object in each fix or update contained within each master bundle. Defendants,  
26 therefore, object to this request as compound and unduly burdensome in that this request seeks  
27 information and activities that (1) involved many thousands of objects, (2) involved numerous  
28 employees, (3) took place over several years, and (4) would require Defendants to review

1 substantial business records to determine an answer, if possible, for each of the numerous  
2 numbers of objects contained within the fixes and updates, and Defendants' burden in doing so  
3 would be substantially similar to the burden for Plaintiffs to do so given that the available  
4 information is at least as equally accessible to Plaintiffs as it is to Defendants.

5 Subject to the General Objections and Responses and these specific objections, after a  
6 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
7 sufficient knowledge and information to either admit or deny these requests, as the information  
8 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
9 manner." On this basis, therefore, these requests are DENIED.

10 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 645:**

11 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
12 General Objections noted above. Defendants' response is based solely on Defendant  
13 TomorrowNow's knowledge with respect to the information sought in this request because  
14 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
15 information provided by Defendant TomorrowNow in this response. Defendants object to the  
16 request because the terms and phrases "fix(es)," "update(s)," "documentation," "delivered," "such  
17 as instruction documents, guide documents, or notes documents," "generated," "copying," and  
18 "originally published by PeopleSoft" are capable of multiple meanings and thus, make this  
19 request overly broad, vague and ambiguous. Defendants object to the phrase "in part by copying  
20 some portion of documentation originally published by PeopleSoft" as calling for a legal  
21 conclusion. Further, Exhibit B lists the names of "master fixes" as that phrase was used by  
22 TomorrowNow in the SAS database. TomorrowNow's "master fixes" are not the actual objects  
23 included in fixes or updates that are developed for TomorrowNow's customers. "Master fixes"  
24 and "master bundles" are records that describe the issue to be addressed and then serve as a  
25 record keeping device and reference for that issue and related activity TomorrowNow undertook  
26 to address that issue. The actual development of customer-specific objects included in customer-  
27 specific fixes and updates was referenced to a "master bundle" or "master fix" record for  
28 identification and record keeping purposes. Thus, if this request seeks an admission related to



1 each and every object related to each and every customer-specific fix or update that  
2 TomorrowNow developed, then this single request impermissibly seeks literally thousands of  
3 admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects  
4 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG,  
5 SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
6 request, Defendants would have to analyze each individual object in each fix or update contained  
7 within each master bundle. Defendants, therefore, object on the basis that this request is  
8 compound, overly broad and unduly burdensome because it seeks an admission regarding  
9 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
10 numerous employees, (3) took place over several years, and (4) would require Defendants to  
11 review enormous volumes of business records to attempt to determine an answer, if possible, for  
12 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
13 Defendants object to this request on the basis that Defendants' burden associated with responding  
14 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
15 through this request, especially because the available documents, data and other information from  
16 which the answer, if any, could be derived in response to this request have been produced by  
17 Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available  
18 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and  
19 without waiving the foregoing objections and qualifications, Defendants respond as follows:

20 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
21 information Defendants currently know or can readily obtain, Defendants have insufficient  
22 information to admit or deny this request.

23 **REQUEST FOR ADMISSION NO. 646:**

24 Admit that for the majority of Fixes or Updates listed in Exhibit B, the documentation  
25 delivered to Customers along with such Fix or Update, such as instruction documents, guide  
26 documents, or notes documents, was generated in part by Copying some portion of  
27 documentation originally published by PeopleSoft.  
28

**RESPONSE TO REQUEST FOR ADMISSION NO. 646:**

Defendants object to this request on the grounds stated in the General Objections and Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant TomorrowNow in this response. Defendants object to the request because the terms and phrases "documentation," "delivered," "such as instruction documents, guide documents, or notes documents," "generated," "copying," "some portion," and "originally published by PeopleSoft" are subject to multiple meanings and, as such, are overly broad, vague, and ambiguous. Defendants object to the phrase "in part by copying some portion of documentation originally published by PeopleSoft" as calling for a legal conclusion. Further, Exhibit B lists the names of master fixes as that term was used by TomorrowNow in the SAS database. The master fixes are not the actual objects that are developed for TomorrowNow customers. Master bundles and master fixes are records that simply identify problems for which TomorrowNow generally developed objects to resolve. The object development often took place at the release level, source level, and customer level. If this request is actually asking for information related to each and every object TomorrowNow developed, this number is more in line with the 33,185 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this question, Defendants would have to analyze each individual object in each fix or update contained within each master bundle. Defendants, therefore, object to this request as compound and unduly burdensome in that this request seeks information and activities that (1) involved many thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4) would require Defendants to review substantial business records to determine an answer, if possible, for each of the numerous numbers of objects contained within the fixes and updates, and Defendants' burden in doing so would be substantially similar to the burden for Plaintiffs to do so given that the available information is at least as equally accessible to Plaintiffs as it is to Defendants.

Subject to the General Objections and Responses and these specific objections, after a

1 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
2 sufficient knowledge and information to either admit or deny these requests, as the information  
3 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
4 manner." On this basis, therefore, these requests are DENIED.

5 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 646:**

6 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
7 General Objections noted above. Defendants' response is based solely on Defendant  
8 TomorrowNow's knowledge with respect to the information sought in this request because  
9 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
10 information provided by Defendant TomorrowNow in this response. Defendants object to the  
11 request because the terms and phrases "fix(es)," "update(s)," "documentation," "delivered," "such  
12 as instruction documents, guide documents, or notes documents," "generated," "copying," "some  
13 portion," and "originally published by PeopleSoft" are capable of multiple meanings and thus,  
14 make this request overly broad, vague and ambiguous. Defendants object to the phrase "in part  
15 by copying some portion of documentation originally published by PeopleSoft" as calling for a  
16 legal conclusion. Further, Exhibit B lists the names of "master fixes" as that phrase was used by  
17 TomorrowNow in the SAS database. TomorrowNow's "master fixes" are not the actual objects  
18 included in fixes or updates that are developed for TomorrowNow's customers. "Master fixes"  
19 and "master bundles" are records that describe the issue to be addressed and then serve as a  
20 record keeping device and reference for that issue and related activity TomorrowNow undertook  
21 to address that issue. The actual development of customer-specific objects included in customer-  
22 specific fixes and updates was referenced to a "master bundle" or "master fix" record for  
23 identification and record keeping purposes. Thus, if this request seeks an admission related to  
24 each and every object related to each and every customer-specific fix or update that  
25 TomorrowNow developed, then this single request impermissibly seeks literally thousands of  
26 admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects  
27 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG,  
28 SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this

1 request, Defendants would have to analyze each individual object in each fix or update contained  
2 within each master bundle. Defendants, therefore, object on the basis that this request is  
3 compound, overly broad and unduly burdensome because it seeks an admission regarding  
4 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
5 numerous employees, (3) took place over several years, and (4) would require Defendants to  
6 review enormous volumes of business records to attempt to determine an answer, if possible, for  
7 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
8 Defendants object to this request on the basis that Defendants' burden associated with responding  
9 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
10 through this request, especially because the available documents, data and other information from  
11 which the answer, if any, could be derived in response to this request have been produced by  
12 Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available  
13 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and  
14 without waiving the foregoing objections and qualifications, Defendants respond as follows:

15 ADMITTED on the following qualified basis: TomorrowNow reasonably believes that,  
16 for the majority of the objects (meaning at least one object more than half of the total objects)  
17 associated with the master fix records referenced in Exhibit B, the documentation that was  
18 delivered with an object to a TomorrowNow customer was generated in part by using certain  
19 portions of documentation posted with a PeopleSoft tax update. To the extent not admitted, this  
20 request is DENIED.

21 **REQUEST FOR ADMISSION NO. 647:**

22 Admit that for the some Fixes or Updates listed in Exhibit B, the documentation delivered  
23 to Customers along with such Fix or Update, such as instruction documents, guide documents, or  
24 notes documents, was generated in part by Copying some portion of documentation originally  
25 published by PeopleSoft.

26 **RESPONSE TO REQUEST FOR ADMISSION NO. 647:**

27 Defendants object to this request on the grounds stated in the General Objections and  
28 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with

1 respect to the information sought in this request because Defendants SAP AG and SAP America  
2 have no additional knowledge separate and apart from the information provided by Defendant  
3 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
4 “documentation,” “delivered,” “such as instruction documents, guide documents, or notes  
5 documents,” “generated,” “copying,” “some portion,” “some,” and “originally published by  
6 PeopleSoft” are subject to multiple meanings and, as such, are overly broad, vague, and  
7 ambiguous. Defendants object to the phrase “in part by copying some portion of documentation  
8 originally published by PeopleSoft” as calling for a legal conclusion. Further, Exhibit B lists the  
9 names of master fixes as that term was used by TomorrowNow in the SAS database. The master  
10 fixes are not the actual objects that are developed for TomorrowNow customers. Master bundles  
11 and master fixes are records that simply identify problems for which TomorrowNow generally  
12 developed objects to resolve. The object development often took place at the release level,  
13 source level, and customer level. If this request is actually asking for information related to each  
14 and every object TomorrowNow developed, this number is more in line with the 33,185 listed in  
15 Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for Admissions to SAP AG, SAP  
16 America, and TomorrowNow. To respond to this question, Defendants would have to analyze  
17 each individual object in each fix or update contained within each master bundle. Defendants,  
18 therefore, object to this request as compound and unduly burdensome in that this request seeks  
19 information and activities that (1) involved many thousands of objects, (2) involved numerous  
20 employees, (3) took place over several years, and (4) would require Defendants to review  
21 substantial business records to determine an answer, if possible, for each of the numerous  
22 numbers of objects contained within the fixes and updates, and Defendants’ burden in doing so  
23 would be substantially similar to the burden for Plaintiffs to do so given that the available  
24 information is at least as equally accessible to Plaintiffs as it is to Defendants.

25 Subject to the General Objections and Responses and these specific objections, after a  
26 reasonable inquiry and based on Defendants’ understanding of these questions, Defendants lack  
27 sufficient knowledge and information to either admit or deny these requests, as the information  
28 sought was not tracked, recorded, or maintained by TomorrowNow in a “readily obtainable

1 manner.” On this basis, therefore, these requests are DENIED.

2 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 647:**

3 Defendants incorporate by reference, as if fully set forth herein, all of Defendants’  
4 General Objections noted above. Defendants’ response is based solely on Defendant  
5 TomorrowNow’s knowledge with respect to the information sought in this request because  
6 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
7 information provided by Defendant TomorrowNow in this response. Defendants object to the  
8 request because the terms and phrases “fix(es),” “update(s),” “documentation,” “delivered,” “such  
9 as instruction documents, guide documents, or notes documents,” “generated,” “copying,” “some  
10 portion,” and “originally published by PeopleSoft” are capable of multiple meanings and thus,  
11 make this request overly broad, vague and ambiguous. Defendants object to the phrase “in part  
12 by copying some portion of documentation originally published by PeopleSoft” as calling for a  
13 legal conclusion. Further, Exhibit B lists the names of “master fixes” as that phrase was used by  
14 TomorrowNow in the SAS database. TomorrowNow’s “master fixes” are not the actual objects  
15 included in fixes or updates that are developed for TomorrowNow’s customers. “Master fixes”  
16 and “master bundles” are records that describe the issue to be addressed and then serve as a  
17 record keeping device and reference for that issue and related activity TomorrowNow undertook  
18 to address that issue. The actual development of customer-specific objects included in customer-  
19 specific fixes and updates was referenced to a “master bundle” or “master fix” record for  
20 identification and record keeping purposes. Thus, if this request seeks an admission related to  
21 each and every object related to each and every customer-specific fix or update that  
22 TomorrowNow developed, then this single request impermissibly seeks literally thousands of  
23 admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects  
24 listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for Admissions to SAP AG,  
25 SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
26 request, Defendants would have to analyze each individual object in each fix or update contained  
27 within each master bundle. Defendants, therefore, object on the basis that this request is  
28 compound, overly broad and unduly burdensome because it seeks an admission regarding

1 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
2 numerous employees, (3) took place over several years, and (4) would require Defendants to  
3 review enormous volumes of business records to attempt to determine an answer, if possible, for  
4 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
5 Defendants object to this request on the basis that Defendants' burden associated with responding  
6 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
7 through this request, especially because the available documents, data and other information from  
8 which the answer, if any, could be derived in response to this request have been produced by  
9 Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available  
10 information is now as equally accessible to Plaintiffs as it is to Defendants. Further, in providing  
11 this response, Defendants are defining "some" as "more than one" as suggested by Plaintiffs in  
12 their August 10, 2009 meet and confer letter. Subject to and without waiving the foregoing  
13 objections and qualifications, Defendants respond as follows:

14 ADMITTED on the following qualified basis: For some of the objects (meaning more  
15 than one) associated with the master fix records referenced in Exhibit B, the documentation that  
16 was delivered with an object to a TomorrowNow customer was generated in part by using certain  
17 portions of documentation posted with a PeopleSoft tax update . To the extent not admitted, this  
18 request is DENIED.

19 **REQUEST FOR ADMISSION NO. 648:**

20 Admit that for at least one Fix or Update listed in Exhibit B, the documentation delivered  
21 to Customers along with such Fix or Update, such as instruction documents, guide documents, or  
22 notes documents, was generated in part by Copying some portion of documentation originally  
23 published by PeopleSoft.

24 **RESPONSE TO REQUEST FOR ADMISSION NO. 648:**

25 Defendants object to this request on the grounds stated in the General Objections and  
26 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
27 respect to the information sought in this request because Defendants SAP AG and SAP America  
28 have no additional knowledge separate and apart from the information provided by Defendant

1 TomorrowNow in this response. Defendants object to the request because the terms and phrases  
2 “documentation,” “delivered,” “such as instruction documents, guide documents, or notes  
3 documents,” “generated,” “copying,” “some portion,” and “originally published by PeopleSoft”  
4 are subject to multiple meanings and, as such, are overly broad, vague, and ambiguous.

5 Defendants object to the phrase “in part by copying some portion of documentation originally  
6 published by PeopleSoft” as calling for a legal conclusion. Further, Exhibit B lists the names of  
7 master fixes as that term was used by TomorrowNow in the SAS database. The master fixes are  
8 not the actual objects that are developed for TomorrowNow customers. Master bundles and  
9 master fixes are records that simply identify problems for which TomorrowNow generally  
10 developed objects to resolve. The object development often took place at the release level,  
11 source level, and customer level. If this request is actually asking for information related to each  
12 and every object TomorrowNow developed, this number is more in line with the 33,185 listed in  
13 Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for Admissions to SAP AG, SAP  
14 America, and TomorrowNow. To respond to this question, Defendants would have to analyze  
15 each individual object in each fix or update contained within each master bundle. Defendants,  
16 therefore, object to this request as compound and unduly burdensome in that this request seeks  
17 information and activities that (1) involved many thousands of objects, (2) involved numerous  
18 employees, (3) took place over several years, and (4) would require Defendants to review  
19 substantial business records to determine an answer, if possible, for each of the numerous  
20 numbers of objects contained within the fixes and updates, and Defendants’ burden in doing so  
21 would be substantially similar to the burden for Plaintiffs to do so given that the available  
22 information is at least as equally accessible to Plaintiffs as it is to Defendants.

23 Subject to the General Objections and Responses and these specific objections, after a  
24 reasonable inquiry and based on Defendants’ understanding of these questions, Defendants lack  
25 sufficient knowledge and information to either admit or deny these requests, as the information  
26 sought was not tracked, recorded, or maintained by TomorrowNow in a “readily obtainable  
27 manner.” On this basis, therefore, these requests are DENIED.

28



**AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 648:**

Defendants incorporate by reference, as if fully set forth herein, all of Defendants' General Objections noted above. Defendants' response is based solely on Defendant TomorrowNow's knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant TomorrowNow in this response. Defendants object to the request because the terms and phrases "fix(es)," "update(s)," "documentation," "delivered," "such as instruction documents, guide documents, or notes documents," "generated," "copying," "some portion," and "originally published by PeopleSoft" are capable of multiple meanings and thus, make this request overly broad, vague and ambiguous. Defendants object to the phrase "in part by copying some portion of documentation originally published by PeopleSoft" as calling for a legal conclusion. Further, Exhibit B lists the names of "master fixes" as that phrase was used by TomorrowNow in the SAS database. TomorrowNow's "master fixes" are not the actual objects included in fixes or updates that are developed for TomorrowNow's customers. "Master fixes" and "master bundles" are records that describe the issue to be addressed and then serve as a record keeping device and reference for that issue and related activity TomorrowNow undertook to address that issue. The actual development of customer-specific objects included in customer-specific fixes and updates was referenced to a "master bundle" or "master fix" record for identification and record keeping purposes. Thus, if this request seeks an admission related to each and every object related to each and every customer-specific fix or update that TomorrowNow developed, then this single request impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs impermissibly seek regarding the 33,185 objects listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this request, Defendants would have to analyze each individual object in each fix or update contained within each master bundle. Defendants, therefore, object on the basis that this request is compound, overly broad and unduly burdensome because it seeks an admission regarding thousands of separate activities that (1) involved many thousands of objects, (2) involved

1 numerous employees, (3) took place over several years, and (4) would require Defendants to  
2 review enormous volumes of business records to attempt to determine an answer, if possible, for  
3 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
4 Defendants object to this request on the basis that Defendants' burden associated with responding  
5 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
6 through this request, especially because the available documents, data and other information from  
7 which the answer, if any, could be derived in response to this request have been produced by  
8 Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available  
9 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and  
10 without waiving the foregoing objections and qualifications, Defendants respond as follows:

11 ADMITTED on the following qualified basis: For at least one of the objects associated  
12 with the master fix records referenced in Exhibit B, the documentation that was delivered with an  
13 object to a TomorrowNow customer was generated in part by using certain portions of  
14 documentation posted with a PeopleSoft tax update. To the extent not admitted, this request is  
15 DENIED.

16 **REQUEST FOR ADMISSION NO. 649:**

17 Admit that each SQR file modified by SAP TN as part of each tax Update listed on  
18 Exhibit A (which is Oracle's Deposition Exhibit 913) has a PeopleSoft or Oracle copyright notice  
19 on its first page.

20 **RESPONSE TO REQUEST FOR ADMISSION NO. 649:**

21 Defendants object to this request on the grounds stated in the General Objections and  
22 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
23 respect to the information sought in this request because Defendants SAP AG and SAP America  
24 have no additional knowledge separate and apart from the information provided by Defendant  
25 TomorrowNow in this response. Defendants object to the request because the term "modified" is  
26 overly broad, vague, and ambiguous. Further, Exhibit A lists the names of master bundles as that  
27 term was used by TomorrowNow in the SAS database. The master bundles are not the actual  
28 objects that are developed for TomorrowNow customers. Master bundles and master fixes are

1 records that simply identify problems for which TomorrowNow generally developed objects to  
2 resolve. The object development often took place at the release level, source level, and customer  
3 level. If this request is actually asking for information related to each and every SQR file in these  
4 master fixes, this number is more in line with the large numbers of SQR files listed amongst the  
5 33,185 objects listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions  
6 to SAP AG, SAP America, and TomorrowNow. To respond to this question, Defendants would  
7 have to analyze each individual SQR file in each fix or update contained within each master fix.  
8 Defendants, therefore, object to this request as compound and unduly burdensome in that this  
9 request seeks information and activities that (1) involved many thousands of objects, (2) involved  
10 numerous employees, (3) took place over several years, and (4) would require Defendants to  
11 review substantial business records to determine an answer, if possible, for each of the numerous  
12 numbers of SQR files contained within the fixes and updates, and Defendants' burden in doing so  
13 would be substantially similar to the burden for Plaintiffs to do so given that the available  
14 information is at least as equally accessible to Plaintiffs as it is to Defendants.

15 Subject to the General Objections and Responses and these specific objections, after a  
16 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
17 sufficient knowledge and information to either admit or deny these requests, as the information  
18 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
19 manner." On this basis, therefore, these requests are DENIED.

20 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 649:**

21 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
22 General Objections noted above. Defendants' response is based solely on Defendant  
23 TomorrowNow's knowledge with respect to the information sought in this request because  
24 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
25 information provided by Defendant TomorrowNow in this response. Defendants object to the  
26 request because the terms "update," and "modified" are capable of multiple meanings and thus,  
27 make this request overly broad, vague and ambiguous. Further, Exhibit A lists the names of  
28 "master bundles" as that phrase was used by TomorrowNow in the SAS database.

1 TomorrowNow's "master bundles" are not the actual objects included in fixes or updates that are  
2 developed for TomorrowNow's customers. "Master fixes" and "master bundles" are records that  
3 describe the issue to be addressed and then serve as a record keeping device and reference for that  
4 issue and related activity TomorrowNow undertook to address that issue. The actual  
5 development of customer-specific objects included in customer-specific fixes and updates was  
6 referenced to a "master bundle" or "master fix" record for identification and record keeping  
7 purposes. Thus, if this request seeks an admission related to each and every object related to each  
8 and every customer-specific fix or update that TomorrowNow developed, then this single request  
9 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
10 impermissibly seek regarding the large number of .SQR files contained within the 33,185 objects  
11 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG,  
12 SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
13 request, Defendants would have to analyze each individual object in each fix or update contained  
14 within each master bundle. Defendants, therefore, object on the basis that this request is  
15 compound, overly broad and unduly burdensome because it seeks an admission regarding  
16 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
17 numerous employees, (3) took place over several years, and (4) would require Defendants to  
18 review enormous volumes of business records to attempt to determine an answer, if possible, for  
19 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
20 Defendants object to this request on the basis that Defendants' burden associated with responding  
21 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
22 through this request, especially because the available documents, data and other information from  
23 which the answer, if any, could be derived in response to this request have been produced by  
24 Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available  
25 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and  
26 without waiving the foregoing objections and qualifications, Defendants respond as follows:

27 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
28 information Defendants currently know or can readily obtain, Defendants have insufficient

1 information to admit or deny this request.

2 **REQUEST FOR ADMISSION NO. 650:**

3 Admit that each COBOL file modified by SAP TN as part of each tax Update listed on  
4 Exhibit A has a PeopleSoft or Oracle copyright notice on its first page.

5 **RESPONSE TO REQUEST FOR ADMISSION NO. 650:**

6 Defendants object to this request on the grounds stated in the General Objections and  
7 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
8 respect to the information sought in this request because Defendants SAP AG and SAP America  
9 have no additional knowledge separate and apart from the information provided by Defendant  
10 TomorrowNow in this response. Defendants object to the request because the term "modified" is  
11 overly broad, vague, and ambiguous. Further, Exhibit A lists the names of master bundles as that  
12 term was used by TomorrowNow in the SAS database. The master bundles are not the actual  
13 objects that are developed for TomorrowNow customers. Master bundles and master fixes are  
14 records that simply identify problems for which TomorrowNow generally developed objects to  
15 resolve. The object development often took place at the release level, source level, and customer  
16 level. If this request is actually asking for information related to each and every COBOL file in  
17 these master fixes, this number is more in line with the large numbers of COBOL files listed  
18 amongst the 33,185 objects listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for  
19 Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this question,  
20 Defendants would have to analyze each individual COBOL file in each fix or update contained  
21 within each master fix. Defendants, therefore, object to this request as compound and unduly  
22 burdensome in that this request seeks information and activities that (1) involved many thousands  
23 of objects, (2) involved numerous employees, (3) took place over several years, and (4) would  
24 require Defendants to review substantial business records to determine an answer, if possible, for  
25 each of the numerous numbers of COBOL files contained within the fixes and updates, and  
26 Defendants' burden in doing so would be substantially similar to the burden for Plaintiffs to do so  
27 given that the available information is at least as equally accessible to Plaintiffs as it is to  
28 Defendants.

1 Subject to the General Objections and Responses and these specific objections, after a  
2 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
3 sufficient knowledge and information to either admit or deny these requests, as the information  
4 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
5 manner." On this basis, therefore, these requests are DENIED.

6 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 650:**

7 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
8 General Objections noted above. Defendants' response is based solely on Defendant  
9 TomorrowNow's knowledge with respect to the information sought in this request because  
10 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
11 information provided by Defendant TomorrowNow in this response. Defendants object to the  
12 request because the terms "update" and "modified" are capable of multiple meanings and thus,  
13 make this request overly broad, vague and ambiguous. Further, Exhibit A lists the names of  
14 "master bundles" as that phrase was used by TomorrowNow in the SAS database.  
15 TomorrowNow's "master bundles" are not the actual objects included in fixes or updates that are  
16 developed for TomorrowNow's customers. "Master fixes" and "master bundles" are records that  
17 describe the issue to be addressed and then serve as a record keeping device and reference for that  
18 issue and related activity TomorrowNow undertook to address that issue. The actual  
19 development of customer-specific objects included in customer-specific fixes and updates was  
20 referenced to a "master bundle" or "master fix" record for identification and record keeping  
21 purposes. Thus, if this request seeks an admission related to each and every object related to each  
22 and every customer-specific fix or update that TomorrowNow developed, then this single request  
23 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
24 impermissibly seek regarding the large number of COBOL files contained within the 33,185  
25 objects listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP  
26 AG, SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
27 request, Defendants would have to analyze each individual object in each fix or update contained  
28 within each master bundle. Defendants, therefore, object on the basis that this request is

1 compound, overly broad and unduly burdensome because it seeks an admission regarding  
2 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
3 numerous employees, (3) took place over several years, and (4) would require Defendants to  
4 review enormous volumes of business records to attempt to determine an answer, if possible, for  
5 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
6 Defendants object to this request on the basis that Defendants' burden associated with responding  
7 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
8 through this request, especially because the available documents, data and other information from  
9 which the answer, if any, could be derived in response to this request have been produced by  
10 Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available  
11 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and  
12 without waiving the foregoing objections and qualifications, Defendants respond as follows:

13 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
14 information Defendants currently know or can readily obtain, Defendants have insufficient  
15 information to admit or deny this request.

16 **REQUEST FOR ADMISSION NO. 651:**

17 Admit that each SQR file modified by SAP TN as part of each tax Update listed on  
18 Exhibit A has a PeopleSoft or Oracle confidentiality notice on its first page.

19 **RESPONSE TO REQUEST FOR ADMISSION NO. 651:**

20 Defendants object to this request on the grounds stated in the General Objections and  
21 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
22 respect to the information sought in this request because Defendants SAP AG and SAP America  
23 have no additional knowledge separate and apart from the information provided by Defendant  
24 TomorrowNow in this response. Defendants object to the request because the terms "modified"  
25 and "confidentiality notice" are subject to multiple meanings and, as such, are overly broad,  
26 vague, and ambiguous. Further, Exhibit A lists the names of master bundles as that term was  
27 used by TomorrowNow in the SAS database. The master bundles are not the actual objects that  
28 are developed for TomorrowNow customers. Master bundles and master fixes are records that

1 simply identify problems for which TomorrowNow generally developed objects to resolve. The  
2 object development often took place at the release level, source level, and customer level. If this  
3 request is actually asking for information related to each and every SQR file in these master fixes,  
4 this number is more in line with the large numbers of SQR files listed amongst the 33,185 objects  
5 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG,  
6 SAP America, and TomorrowNow. To respond to this question, Defendants would have to  
7 analyze each individual SQR file in each fix or update contained within each master fix.

8 Defendants, therefore, object to this request as compound and unduly burdensome in that this  
9 request seeks information and activities that (1) involved many thousands of objects, (2) involved  
10 numerous employees, (3) took place over several years, and (4) would require Defendants to  
11 review substantial business records to determine an answer, if possible, for each of the numerous  
12 numbers of SQR files contained within the fixes and updates, and Defendants' burden in doing so  
13 would be substantially similar to the burden for Plaintiffs to do so given that the available  
14 information is at least as equally accessible to Plaintiffs as it is to Defendants.

15 Subject to the General Objections and Responses and these specific objections, after a  
16 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
17 sufficient knowledge and information to either admit or deny these requests, as the information  
18 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
19 manner." On this basis, therefore, these requests are DENIED.

20 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 651:**

21 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
22 General Objections noted above. Defendants' response is based solely on Defendant  
23 TomorrowNow's knowledge with respect to the information sought in this request because  
24 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
25 information provided by Defendant TomorrowNow in this response. Defendants object to the  
26 request because the terms "update," "modified," and "confidentiality notice" are capable of  
27 multiple meanings and thus, make this request overly broad, vague and ambiguous. Further,  
28 Exhibit A lists the names of "master bundles" as that phrase was used by TomorrowNow in the



1 SAS database. TomorrowNow's "master bundles" are not the actual objects included in fixes or  
2 updates that are developed for TomorrowNow's customers. "Master fixes" and "master bundles"  
3 are records that describe the issue to be addressed and then serve as a record keeping device and  
4 reference for that issue and related activity TomorrowNow undertook to address that issue. The  
5 actual development of customer-specific objects included in customer-specific fixes and updates  
6 was referenced to a "master bundle" or "master fix" record for identification and record keeping  
7 purposes. Thus, if this request seeks an admission related to each and every object related to each  
8 and every customer-specific fix or update that TomorrowNow developed, then this single request  
9 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
10 impermissibly seek regarding the large number of .SQR files contained within the 33,185 objects  
11 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG,  
12 SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
13 request, Defendants would have to analyze each individual object in each fix or update contained  
14 within each master bundle. Defendants, therefore, object on the basis that this request is  
15 compound, overly broad and unduly burdensome because it seeks an admission regarding  
16 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
17 numerous employees, (3) took place over several years, and (4) would require Defendants to  
18 review enormous volumes of business records to attempt to determine an answer, if possible, for  
19 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
20 Defendants object to this request on the basis that Defendants' burden associated with responding  
21 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
22 through this request, especially because the available documents, data and other information from  
23 which the answer, if any, could be derived in response to this request have been produced by  
24 Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available  
25 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and  
26 without waiving the foregoing objections and qualifications, Defendants respond as follows:

27 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
28 information Defendants currently know or can readily obtain, Defendants have insufficient

1 information to admit or deny this request.

2 **REQUEST FOR ADMISSION NO. 652:**

3 Admit that each COBOL file modified by SAP TN as part of each tax Update listed on  
4 Exhibit A has a PeopleSoft or Oracle confidentiality notice on its first page.

5 **RESPONSE TO REQUEST FOR ADMISSION NO. 652:**

6 Defendants object to this request on the grounds stated in the General Objections and  
7 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
8 respect to the information sought in this request because Defendants SAP AG and SAP America  
9 have no additional knowledge separate and apart from the information provided by Defendant  
10 TomorrowNow in this response. Defendants object to the request because the terms "modified"  
11 and "confidentiality notice" are subject to multiple meanings and, as such, are overly broad,  
12 vague, and ambiguous. Further, Exhibit A lists the names of master bundles as that term was  
13 used by TomorrowNow in the SAS database. The master bundles are not the actual objects that  
14 are developed for TomorrowNow customers. Master bundles and master fixes are records that  
15 simply identify problems for which TomorrowNow generally developed objects to resolve. The  
16 object development often took place at the release level, source level, and customer level. If this  
17 request is actually asking for information related to each and every COBOL file in these master  
18 fixes, this number is more in line with the large numbers of COBOL files listed amongst the  
19 33,185 objects listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions  
20 to SAP AG, SAP America, and TomorrowNow. To respond to this question, Defendants would  
21 have to analyze each individual COBOL file in each fix or update contained within each master  
22 fix. Defendants, therefore, object to this request as compound and unduly burdensome in that this  
23 request seeks information and activities that (1) involved many thousands of objects, (2) involved  
24 numerous employees, (3) took place over several years, and (4) would require Defendants to  
25 review substantial business records to determine an answer, if possible, for each of the numerous  
26 numbers of COBOL files contained within the fixes and updates, and Defendants' burden in  
27 doing so would be substantially similar to the burden for Plaintiffs to do so given that the  
28 available information is at least as equally accessible to Plaintiffs as it is to Defendants.

1 Subject to the General Objections and Responses and these specific objections, after a  
2 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
3 sufficient knowledge and information to either admit or deny these requests, as the information  
4 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
5 manner." On this basis, therefore, these requests are DENIED.

6 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 652:**

7 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
8 General Objections noted above. Defendants' response is based solely on Defendant  
9 TomorrowNow's knowledge with respect to the information sought in this request because  
10 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
11 information provided by Defendant TomorrowNow in this response. Defendants object to the  
12 request because the terms "update," "modified," and "confidentiality notice" are capable of  
13 multiple meanings and thus, make this request overly broad, vague and ambiguous. Further,  
14 Exhibit A lists the names of "master bundles" as that phrase was used by TomorrowNow in the  
15 SAS database. TomorrowNow's "master bundles" are not the actual objects included in fixes or  
16 updates that are developed for TomorrowNow's customers. "Master fixes" and "master bundles"  
17 are records that describe the issue to be addressed and then serve as a record keeping device and  
18 reference for that issue and related activity TomorrowNow undertook to address that issue. The  
19 actual development of customer-specific objects included in customer-specific fixes and updates  
20 was referenced to a "master bundle" or "master fix" record for identification and record keeping  
21 purposes. Thus, if this request seeks an admission related to each and every object related to each  
22 and every customer-specific fix or update that TomorrowNow developed, then this single request  
23 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
24 impermissibly seek regarding the large number of COBOL files contained within the 33,185  
25 objects listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP  
26 AG, SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
27 request, Defendants would have to analyze each individual object in each fix or update contained  
28 within each master bundle. Defendants, therefore, object on the basis that this request is

1 compound, overly broad and unduly burdensome because it seeks an admission regarding  
2 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
3 numerous employees, (3) took place over several years, and (4) would require Defendants to  
4 review enormous volumes of business records to attempt to determine an answer, if possible, for  
5 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
6 Defendants object to this request on the basis that Defendants' burden associated with responding  
7 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
8 through this request, especially because the available documents, data and other information from  
9 which the answer, if any, could be derived in response to this request have been produced by  
10 Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available  
11 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and  
12 without waiving the foregoing objections and qualifications, Defendants respond as follows:

13 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
14 information Defendants currently know or can readily obtain, Defendants have insufficient  
15 information to admit or deny this request.

16 **REQUEST FOR ADMISSION NO. 653:**

17 Admit that each SQR file modified by SAP TN as part of each tax Update listed on  
18 Exhibit A has a notice on its first page stating that the SQR is not to be used other than as  
19 expressly provided under the applicable license agreement.

20 **RESPONSE TO REQUEST FOR ADMISSION NO. 653:**

21 Defendants object to this request on the grounds stated in the General Objections and  
22 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
23 respect to the information sought in this request because Defendants SAP AG and SAP America  
24 have no additional knowledge separate and apart from the information provided by Defendant  
25 TomorrowNow in this response. Defendants object to the request because the terms "modified,"  
26 "used," and "applicable license agreement" are subject to multiple meanings and, as such, are  
27 overly broad, vague, and ambiguous. Defendants object that this request calls for a legal  
28 conclusion. Further, Exhibit A lists the names of master bundles as that term was used by

1 TomorrowNow in the SAS database. The master bundles are not the actual objects that are  
2 developed for TomorrowNow customers. Master bundles and master fixes are records that simply  
3 identify problems for which TomorrowNow generally developed objects to resolve. The object  
4 development often took place at the release level, source level, and customer level. If this request  
5 is actually asking for information related to each and every SQR file in these master fixes, this  
6 number is more in line with the large numbers of SQR files listed amongst the 33,185 objects  
7 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG,  
8 SAP America, and TomorrowNow. To respond to this question, Defendants would have to  
9 analyze each individual SQR file in each fix or update contained within each master fix.  
10 Defendants, therefore, object to this request as compound and unduly burdensome in that this  
11 request seeks information and activities that (1) involved many thousands of objects, (2) involved  
12 numerous employees, (3) took place over several years, and (4) would require Defendants to  
13 review substantial business records to determine an answer, if possible, for each of the numerous  
14 numbers of SQR files contained within the fixes and updates, and Defendants' burden in doing so  
15 would be substantially similar to the burden for Plaintiffs to do so given that the available  
16 information is at least as equally accessible to Plaintiffs as it is to Defendants.

17 Subject to the General Objections and Responses and these specific objections, after a  
18 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
19 sufficient knowledge and information to either admit or deny these requests, as the information  
20 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
21 manner." On this basis, therefore, these requests are DENIED.

22 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 653:**

23 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
24 General Objections noted above. Defendants' response is based solely on Defendant  
25 TomorrowNow's knowledge with respect to the information sought in this request because  
26 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
27 information provided by Defendant TomorrowNow in this response. Defendants object to the  
28 request because the terms "update," "modified," "used," and "applicable license agreement" are

1 capable of multiple meanings and thus, make this request overly broad, vague and ambiguous.  
2 Defendants object that this request calls for a legal conclusion. Further, Exhibit A lists the names  
3 of “master bundles” as that phrase was used by TomorrowNow in the SAS database.  
4 TomorrowNow’s “master bundles” are not the actual objects included in fixes or updates that are  
5 developed for TomorrowNow’s customers. “Master fixes” and “master bundles” are records that  
6 describe the issue to be addressed and then serve as a record keeping device and reference for that  
7 issue and related activity TomorrowNow undertook to address that issue. The actual  
8 development of customer-specific objects included in customer-specific fixes and updates was  
9 referenced to a “master bundle” or “master fix” record for identification and record keeping  
10 purposes. Thus, if this request seeks an admission related to each and every object related to each  
11 and every customer-specific fix or update that TomorrowNow developed, then this single request  
12 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
13 impermissibly seek regarding the large number of .SQR files contained within the 33,185 objects  
14 listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for Admissions to SAP AG,  
15 SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
16 request, Defendants would have to analyze each individual object in each fix or update contained  
17 within each master bundle. Defendants, therefore, object on the basis that this request is  
18 compound, overly broad and unduly burdensome because it seeks an admission regarding  
19 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
20 numerous employees, (3) took place over several years, and (4) would require Defendants to  
21 review enormous volumes of business records to attempt to determine an answer, if possible, for  
22 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
23 Defendants object to this request on the basis that Defendants’ burden associated with responding  
24 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
25 through this request, especially because the available documents, data and other information from  
26 which the answer, if any, could be derived in response to this request have been produced by  
27 Defendants in response to Plaintiffs’ other discovery requests and thus any relevant, available  
28 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and

1 without waiving the foregoing objections and qualifications, Defendants respond as follows:

2 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
3 information Defendants currently know or can readily obtain, Defendants have insufficient  
4 information to admit or deny this request.

5 **REQUEST FOR ADMISSION NO. 654:**

6 Admit that each COBOL file modified by SAP TN as part of each tax Update listed on  
7 Exhibit A has a notice on its first page stating that the COBOL is not to be used other than as  
8 expressly provided under the applicable license agreement.

9 **RESPONSE TO REQUEST FOR ADMISSION NO. 654:**

10 Defendants object to this request on the grounds stated in the General Objections and  
11 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
12 respect to the information sought in this request because Defendants SAP AG and SAP America  
13 have no additional knowledge separate and apart from the information provided by Defendant  
14 TomorrowNow in this response. Defendants object to the request because the terms "modified,"  
15 "used," and "applicable license agreement" are subject to multiple meanings and, as such, are  
16 overly broad, vague, and ambiguous. Defendants object that this request calls for a legal  
17 conclusion. Further, Exhibit A lists the names of master bundles as that term was used by  
18 TomorrowNow in the SAS database. The master bundles are not the actual objects that are  
19 developed for TomorrowNow customers. Master bundles and master fixes are records that simply  
20 identify problems for which TomorrowNow generally developed objects to resolve. The object  
21 development often took place at the release level, source level, and customer level. If this request  
22 is actually asking for information related to each and every COBOL file in these master fixes, this  
23 number is more in line with the large numbers of COBOL files listed amongst the 33,185 objects  
24 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG,  
25 SAP America, and TomorrowNow. To respond to this question, Defendants would have to  
26 analyze each individual COBOL file in each fix or update contained within each master fix.  
27 Defendants, therefore, object to this request as compound and unduly burdensome in that this  
28 request seeks information and activities that (1) involved many thousands of objects, (2) involved

1 numerous employees, (3) took place over several years, and (4) would require Defendants to  
2 review substantial business records to determine an answer, if possible, for each of the numerous  
3 numbers of COBOL files contained within the fixes and updates, and Defendants' burden in  
4 doing so would be substantially similar to the burden for Plaintiffs to do so given that the  
5 available information is at least as equally accessible to Plaintiffs as it is to Defendants.

6 Subject to the General Objections and Responses and these specific objections, after a  
7 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
8 sufficient knowledge and information to either admit or deny these requests, as the information  
9 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
10 manner." On this basis, therefore, these requests are DENIED.

11 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 654:**

12 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
13 General Objections noted above. Defendants' response is based solely on Defendant  
14 TomorrowNow's knowledge with respect to the information sought in this request because  
15 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
16 information provided by Defendant TomorrowNow in this response. Defendants object to the  
17 request because the terms "update," "modified," "used," and "applicable license agreement" are  
18 capable of multiple meanings and thus, make this request overly broad, vague and ambiguous.  
19 Defendants object that this request calls for a legal conclusion. Further, Exhibit A lists the names  
20 of "master bundles" as that phrase was used by TomorrowNow in the SAS database.  
21 TomorrowNow's "master bundles" are not the actual objects included in fixes or updates that are  
22 developed for TomorrowNow's customers. "Master fixes" and "master bundles" are records that  
23 describe the issue to be addressed and then serve as a record keeping device and reference for that  
24 issue and related activity TomorrowNow undertook to address that issue. The actual  
25 development of customer-specific objects included in customer-specific fixes and updates was  
26 referenced to a "master bundle" or "master fix" record for identification and record keeping  
27 purposes. Thus, if this request seeks an admission related to each and every object related to each  
28 and every customer-specific fix or update that TomorrowNow developed, then this single request



1 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
2 impermissibly seek regarding the large number of COBOL files contained within the 33,185  
3 objects listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP  
4 AG, SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
5 request, Defendants would have to analyze each individual object in each fix or update contained  
6 within each master bundle. Defendants, therefore, object on the basis that this request is  
7 compound, overly broad and unduly burdensome because it seeks an admission regarding  
8 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
9 numerous employees, (3) took place over several years, and (4) would require Defendants to  
10 review enormous volumes of business records to attempt to determine an answer, if possible, for  
11 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
12 Defendants object to this request on the basis that Defendants' burden associated with responding  
13 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
14 through this request, especially because the available documents, data and other information from  
15 which the answer, if any, could be derived in response to this request have been produced by  
16 Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available  
17 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and  
18 without waiving the foregoing objections and qualifications, Defendants respond as follows:

19 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
20 information Defendants currently know or can readily obtain, Defendants have insufficient  
21 information to admit or deny this request.

22 **REQUEST FOR ADMISSION NO. 655:**

23 Admit that for each Update listed in Exhibit A which included a DAT file, Copies of at  
24 least one DAT file were delivered to more than one Customer as part of the Update.

25 **RESPONSE TO REQUEST FOR ADMISSION NO. 655:**

26 Defendants object to this request on the grounds stated in the General Objections and  
27 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
28 respect to the information sought in this request because Defendants SAP AG and SAP America

1 have no additional knowledge separate and apart from the information provided by Defendant  
2 TomorrowNow in this response. Defendants object to the request because the terms “copies” and  
3 “delivered” are subject to multiple meanings and, as such, are overly broad, vague, and  
4 ambiguous. Further, Exhibit A lists the names of master bundles as that term was used by  
5 TomorrowNow in the SAS database. The master bundles are not the actual objects that are  
6 developed for TomorrowNow customers. Master bundles and master fixes are records that simply  
7 identify problems for which TomorrowNow generally developed objects to resolve. The object  
8 development often took place at the release level, source level, and customer level. If this request  
9 is actually asking for information related to each and every DAT file in these master fixes, this  
10 number is more in line with the large numbers of DAT files listed amongst the 33,185 objects  
11 listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for Admissions to SAP AG,  
12 SAP America, and TomorrowNow. To respond to this question, Defendants would have to  
13 analyze each individual DAT file in each fix or update contained within each master fix.  
14 Defendants, therefore, object to this request as compound and unduly burdensome in that this  
15 request seeks information and activities that (1) involved many thousands of objects, (2) involved  
16 numerous employees, (3) took place over several years, and (4) would require Defendants to  
17 review substantial business records to determine an answer, if possible, for each of the numerous  
18 numbers of DAT files contained within the fixes and updates, and Defendants’ burden in doing so  
19 would be substantially similar to the burden for Plaintiffs to do so given that the available  
20 information is at least as equally accessible to Plaintiffs as it is to Defendants.

21 Subject to the General Objections and Responses and these specific objections, after a  
22 reasonable inquiry and based on Defendants’ understanding of these questions, Defendants lack  
23 sufficient knowledge and information to either admit or deny these requests, as the information  
24 sought was not tracked, recorded, or maintained by TomorrowNow in a “readily obtainable  
25 manner.” On this basis, therefore, these requests are DENIED.

26 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 655:**

27 Defendants incorporate by reference, as if fully set forth herein, all of Defendants’  
28 General Objections noted above. Defendants’ response is based solely on Defendant

1 TomorrowNow's knowledge with respect to the information sought in this request because  
2 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
3 information provided by Defendant TomorrowNow in this response. Defendants object to the  
4 request because the terms "update," "copies" and "delivered" are capable of multiple meanings  
5 and thus, make this request overly broad, vague and ambiguous. Further, Exhibit A lists the  
6 names of "master bundles" as that phrase was used by TomorrowNow in the SAS database.  
7 TomorrowNow's "master bundles" are not the actual objects included in fixes or updates that are  
8 developed for TomorrowNow's customers. "Master fixes" and "master bundles" are records that  
9 describe the issue to be addressed and then serve as a record keeping device and reference for that  
10 issue and related activity TomorrowNow undertook to address that issue. The actual  
11 development of customer-specific objects included in customer-specific fixes and updates was  
12 referenced to a "master bundle" or "master fix" record for identification and record keeping  
13 purposes. Thus, if this request seeks an admission related to each and every object related to each  
14 and every customer-specific fix or update that TomorrowNow developed, then this single request  
15 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
16 impermissibly seek regarding the large number of .DAT files contained within the 33,185 objects  
17 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG,  
18 SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
19 request, Defendants would have to analyze each individual object in each fix or update contained  
20 within each master bundle. Defendants, therefore, object on the basis that this request is  
21 compound, overly broad and unduly burdensome because it seeks an admission regarding  
22 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
23 numerous employees, (3) took place over several years, and (4) would require Defendants to  
24 review enormous volumes of business records to attempt to determine an answer, if possible, for  
25 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
26 Defendants object to this request on the basis that Defendants' burden associated with responding  
27 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
28 through this request, especially because the available documents, data and other information from

1 which the answer, if any, could be derived in response to this request have been produced by  
2 Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available  
3 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and  
4 without waiving the foregoing objections and qualifications, Defendants respond as follows:

5 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
6 information Defendants currently know or can readily obtain, Defendants have insufficient  
7 information to admit or deny this request.

8 **REQUEST FOR ADMISSION NO. 656:**

9 Admit that for each Update listed in Exhibit A which included a COBOL file, at least one  
10 COBOL file from one Local Environment was modified by SAP TN and Copied and delivered to  
11 more than one Customer as part of the Update.

12 **RESPONSE TO REQUEST FOR ADMISSION NO. 656:**

13 Defendants object to this request on the grounds stated in the General Objections and  
14 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
15 respect to the information sought in this request because Defendants SAP AG and SAP America  
16 have no additional knowledge separate and apart from the information provided by Defendant  
17 TomorrowNow in this response. Defendants object to the request because the terms "modified,"  
18 "copied," "local environment," and "delivered" are subject to multiple meanings and, as such, are  
19 overly broad, vague, and ambiguous. Further, Exhibit A lists the names of master bundles as that  
20 term was used by TomorrowNow in the SAS database. The master bundles are not the actual  
21 objects that are developed for TomorrowNow customers. Master bundles and master fixes are  
22 records that simply identify problems for which TomorrowNow generally developed objects to  
23 resolve. The object development often took place at the release level, source level, and customer  
24 level. If this request is actually asking for information related to each and every COBOL file in  
25 these master fixes, this number is more in line with the large numbers of COBOL files listed  
26 amongst the 33,185 objects listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for  
27 Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this question,  
28 Defendants would have to analyze each individual COBOL file in each fix or update contained

1 within each master fix. Defendants, therefore, object to this request as compound and unduly  
2 burdensome in that this request seeks information and activities that (1) involved many thousands  
3 of objects, (2) involved numerous employees, (3) took place over several years, and (4) would  
4 require Defendants to review substantial business records to determine an answer, if possible, for  
5 each of the numerous numbers of COBOL files contained within the fixes and updates, and  
6 Defendants' burden in doing so would be substantially similar to the burden for Plaintiffs to do so  
7 given that the available information is at least as equally accessible to Plaintiffs as it is to  
8 Defendants.

9 Subject to the General Objections and Responses and these specific objections, after a  
10 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
11 sufficient knowledge and information to either admit or deny these requests, as the information  
12 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
13 manner." On this basis, therefore, these requests are DENIED.

14 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 656:**

15 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
16 General Objections noted above. Defendants' response is based solely on Defendant  
17 TomorrowNow's knowledge with respect to the information sought in this request because  
18 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
19 information provided by Defendant TomorrowNow in this response. Defendants object to the  
20 request because the terms "update," "modified," "copied," "local environment," and "delivered"  
21 are capable of multiple meanings and thus, make this request overly broad, vague and ambiguous.  
22 Further, Exhibit A lists the names of "master bundles" as that phrase was used by TomorrowNow  
23 in the SAS database. TomorrowNow's "master bundles" are not the actual objects included in  
24 fixes or updates that are developed for TomorrowNow's customers. "Master fixes" and "master  
25 bundles" are records that describe the issue to be addressed and then serve as a record keeping  
26 device and reference for that issue and related activity TomorrowNow undertook to address that  
27 issue. The actual development of customer-specific objects included in customer-specific fixes  
28 and updates was referenced to a "master bundle" or "master fix" record for identification and

1 record keeping purposes. Thus, if this request seeks an admission related to each and every object  
2 related to each and every customer-specific fix or update that TomorrowNow developed, then this  
3 single request impermissibly seeks literally thousands of admissions similar to the admissions  
4 Plaintiffs impermissibly seek regarding the large number of COBOL files contained within the  
5 33,185 objects listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions  
6 to SAP AG, SAP America, and TomorrowNow. If that is the intent of this request, then to  
7 respond to this request, Defendants would have to analyze each individual object in each fix or  
8 update contained within each master bundle. Defendants, therefore, object on the basis that this  
9 request is compound, overly broad and unduly burdensome because it seeks an admission  
10 regarding thousands of separate activities that (1) involved many thousands of objects, (2)  
11 involved numerous employees, (3) took place over several years, and (4) would require  
12 Defendants to review enormous volumes of business records to attempt to determine an answer, if  
13 possible, for each of the numerous objects contained within the referenced fixes and updates.  
14 Moreover, Defendants object to this request on the basis that Defendants' burden associated with  
15 responding to this request is substantially similar to the burden for Plaintiffs to obtain the  
16 information sought through this request, especially because the available documents, data and  
17 other information from which the answer, if any, could be derived in response to this request have  
18 been produced by Defendants in response to Plaintiffs' other discovery requests and thus any  
19 relevant, available information is now as equally accessible to Plaintiffs as it is to Defendants.  
20 Subject to and without waiving the foregoing objections and qualifications, Defendants respond  
21 as follows:

22 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
23 information Defendants currently know or can readily obtain, Defendants have insufficient  
24 information to admit or deny this request.

25 **REQUEST FOR ADMISSION NO. 657:**

26 Admit that for each Update listed in Exhibit A which included an SQR file, at least one  
27 SQR file from one Local Environment was modified by SAP TN and Copied and delivered to  
28 more than one Customer as part of the Update.

**RESPONSE TO REQUEST FOR ADMISSION NO. 657:**

Defendants object to this request on the grounds stated in the General Objections and Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant TomorrowNow in this response. Defendants object to the request because the terms "modified," "copied," "local environment," and "delivered" are subject to multiple meanings and, as such, are overly broad, vague, and ambiguous. Further, Exhibit A lists the names of master bundles as that term was used by TomorrowNow in the SAS database. The master bundles are not the actual objects that are developed for TomorrowNow customers. Master bundles and master fixes are records that simply identify problems for which TomorrowNow generally developed objects to resolve. The object development often took place at the release level, source level, and customer level. If this request is actually asking for information related to each and every SQR file in these master fixes, this number is more in line with the large numbers of SQR files listed amongst the 33,185 objects listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this question, Defendants would have to analyze each individual SQR file in each fix or update contained within each master fix. Defendants, therefore, object to this request as compound and unduly burdensome in that this request seeks information and activities that (1) involved many thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4) would require Defendants to review substantial business records to determine an answer, if possible, for each of the numerous numbers of SQR files contained within the fixes and updates, and Defendants' burden in doing so would be substantially similar to the burden for Plaintiffs to do so given that the available information is at least as equally accessible to Plaintiffs as it is to Defendants.

Subject to the General Objections and Responses and these specific objections, after a reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack sufficient knowledge and information to either admit or deny these requests, as the information sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable

1 manner.” On this basis, therefore, these requests are DENIED.

2 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 657:**

3 Defendants incorporate by reference, as if fully set forth herein, all of Defendants’  
4 General Objections noted above. Defendants’ response is based solely on Defendant  
5 TomorrowNow’s knowledge with respect to the information sought in this request because  
6 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
7 information provided by Defendant TomorrowNow in this response. Defendants object to the  
8 request because the terms “update,” “modified,” “copied,” “local environment,” and “delivered”  
9 are capable of multiple meanings and thus, make this request overly broad, vague and ambiguous.  
10 Further, Exhibit A lists the names of “master bundles” as that phrase was used by TomorrowNow  
11 in the SAS database. TomorrowNow’s “master bundles” are not the actual objects included in  
12 fixes or updates that are developed for TomorrowNow’s customers. “Master fixes” and “master  
13 bundles” are records that describe the issue to be addressed and then serve as a record keeping  
14 device and reference for that issue and related activity TomorrowNow undertook to address that  
15 issue. The actual development of customer-specific objects included in customer-specific fixes  
16 and updates was referenced to a “master bundle” or “master fix” record for identification and  
17 record keeping purposes. Thus, if this request seeks an admission related to each and every object  
18 related to each and every customer-specific fix or update that TomorrowNow developed, then this  
19 single request impermissibly seeks literally thousands of admissions similar to the admissions  
20 Plaintiffs impermissibly seek regarding the large number of .SQR files contained within the  
21 33,185 objects listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for Admissions  
22 to SAP AG, SAP America, and TomorrowNow. If that is the intent of this request, then to  
23 respond to this request, Defendants would have to analyze each individual object in each fix or  
24 update contained within each master bundle. Defendants, therefore, object on the basis that this  
25 request is compound, overly broad and unduly burdensome because it seeks an admission  
26 regarding thousands of separate activities that (1) involved many thousands of objects, (2)  
27 involved numerous employees, (3) took place over several years, and (4) would require  
28 Defendants to review enormous volumes of business records to attempt to determine an answer, if



1 possible, for each of the numerous objects contained within the referenced fixes and updates.  
2 Moreover, Defendants object to this request on the basis that Defendants' burden associated with  
3 responding to this request is substantially similar to the burden for Plaintiffs to obtain the  
4 information sought through this request, especially because the available documents, data and  
5 other information from which the answer, if any, could be derived in response to this request have  
6 been produced by Defendants in response to Plaintiffs' other discovery requests and thus any  
7 relevant, available information is now as equally accessible to Plaintiffs as it is to Defendants.  
8 Subject to and without waiving the foregoing objections and qualifications, Defendants respond  
9 as follows:

10 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
11 information Defendants currently know or can readily obtain, Defendants have insufficient  
12 information to admit or deny this request.

13 **REQUEST FOR ADMISSION NO. 658:**

14 Admit that for each Update listed in Exhibit A which included an Online Object, at least  
15 one Online Object from one Local Environment was modified by SAP TN and Copied and  
16 delivered to more than one Customer as part of the Update.

17 **RESPONSE TO REQUEST FOR ADMISSION NO. 658:**

18 Defendants object to this request on the grounds stated in the General Objections and  
19 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
20 respect to the information sought in this request because Defendants SAP AG and SAP America  
21 have no additional knowledge separate and apart from the information provided by Defendant  
22 TomorrowNow in this response. Defendants object to the request because the terms "online  
23 object," "modified," "copied," "local environment," and "delivered" are subject to multiple  
24 meanings and, as such, are overly broad, vague, and ambiguous. Further, Exhibit A lists the  
25 names of master bundles as that term was used by TomorrowNow in the SAS database. The  
26 master bundles are not the actual objects that are developed for TomorrowNow customers. Master  
27 bundles and master fixes are records that simply identify problems for which TomorrowNow  
28 generally developed objects to resolve. The object development often took place at the release

1 level, source level, and customer level. If this request is actually asking for information related to  
2 each and every online object included as part of a master fix, Defendants would have to analyze  
3 each individual fix or update contained within each master fix. Defendants, therefore, object to  
4 this request as compound and unduly burdensome in that this request seeks information and  
5 activities that (1) involved many thousands of objects, (2) involved numerous employees, (3) took  
6 place over several years, and (4) would require Defendants to review substantial business records  
7 to determine an answer, if possible, for each of the numerous numbers objects contained within  
8 the fixes and updates, and Defendants' burden in doing so would be substantially similar to the  
9 burden for Plaintiffs to do so given that the available information is at least as equally accessible  
10 to Plaintiffs as it is to Defendants.

11 Subject to the General Objections and Responses and these specific objections, after a  
12 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
13 sufficient knowledge and information to either admit or deny these requests, as the information  
14 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
15 manner." On this basis, therefore, these requests are DENIED.

16 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 658:**

17 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
18 General Objections noted above. Defendants' response is based solely on Defendant  
19 TomorrowNow's knowledge with respect to the information sought in this request because  
20 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
21 information provided by Defendant TomorrowNow in this response. Defendants object to the  
22 request because the terms "update," "online object," "modified," "copied," "local environment,"  
23 and "delivered" are capable of multiple meanings and thus, make this request overly broad, vague  
24 and ambiguous. Further, Exhibit A lists the names of "master bundles" as that phrase was used  
25 by TomorrowNow in the SAS database. TomorrowNow's "master bundles" are not the actual  
26 objects included in fixes or updates that are developed for TomorrowNow's customers. "Master  
27 fixes" and "master bundles" are records that describe the issue to be addressed and then serve as a  
28 record keeping device and reference for that issue and related activity TomorrowNow undertook

1 to address that issue. The actual development of customer-specific objects included in customer-  
2 specific fixes and updates was referenced to a “master bundle” or “master fix” record for  
3 identification and record keeping purposes. Thus, if this request seeks an admission related to  
4 each and every object related to each and every customer-specific fix or update that  
5 TomorrowNow developed, then this single request impermissibly seeks literally thousands of  
6 admissions similar to the admissions Plaintiffs impermissibly seek regarding the large number of  
7 online object contained within the 33,185 objects listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third  
8 Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the  
9 intent of this request, then to respond to this request, Defendants would have to analyze each  
10 individual object in each fix or update contained within each master bundle. Defendants,  
11 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
12 because it seeks an admission regarding thousands of separate activities that (1) involved many  
13 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
14 would require Defendants to review enormous volumes of business records to attempt to  
15 determine an answer, if possible, for each of the numerous objects contained within the  
16 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
17 Defendants’ burden associated with responding to this request is substantially similar to the  
18 burden for Plaintiffs to obtain the information sought through this request, especially because the  
19 available documents, data and other information from which the answer, if any, could be derived  
20 in response to this request have been produced by Defendants in response to Plaintiffs’ other  
21 discovery requests and thus any relevant, available information is now as equally accessible to  
22 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
23 qualifications, Defendants respond as follows:

24 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
25 information Defendants currently know or can readily obtain, Defendants have insufficient  
26 information to admit or deny this request.

27  
28

1 **REQUEST FOR ADMISSION NO. 659:**

2 Admit that for each Update listed in Exhibit A which included a DAT file, TN tested at  
3 least one DAT file in one Local Environment and then delivered Copies of that same DAT file to  
4 more than one Customer without additionally testing them in the Local Environments of each  
5 such Customer.

6 **RESPONSE TO REQUEST FOR ADMISSION NO. 659:**

7 Defendants object to this request on the grounds stated in the General Objections and  
8 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
9 respect to the information sought in this request because Defendants SAP AG and SAP America  
10 have no additional knowledge separate and apart from the information provided by Defendant  
11 TomorrowNow in this response. Defendants object to the request because the terms  
12 "tested/testing," "delivered," "copies," and "local environment" are subject to multiple meanings  
13 and, as such, are overly broad, vague, and ambiguous. Further, Exhibit A lists the names of  
14 master bundles as that term was used by TomorrowNow in the SAS database. The master bundles  
15 are not the actual objects that are developed for TomorrowNow customers. Master bundles and  
16 master fixes are records that simply identify problems for which TomorrowNow generally  
17 developed objects to resolve. The object development often took place at the release level,  
18 source level, and customer level. If this request is actually asking for information related to each  
19 and every DAT file in these master fixes, this number is more in line with the large numbers of  
20 DAT files listed amongst the 33,185 objects listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set  
21 of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this  
22 question, Defendants would have to analyze each individual DAT file in each fix or update  
23 contained within each master fix. Defendants, therefore, object to this request as compound and  
24 unduly burdensome in that this request seeks information and activities that (1) involved many  
25 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
26 would require Defendants to review substantial business records to determine an answer, if  
27 possible, for each of the numerous numbers of DAT files contained within the fixes and updates,  
28 and Defendants' burden in doing so would be substantially similar to the burden for Plaintiffs to

1 do so given that the available information is at least as equally accessible to Plaintiffs as it is to  
2 Defendants.

3 Subject to the General Objections and Responses and these specific objections, after a  
4 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
5 sufficient knowledge and information to either admit or deny these requests, as the information  
6 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
7 manner." On this basis, therefore, these requests are DENIED.

8 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 659:**

9 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
10 General Objections noted above. Defendants' response is based solely on Defendant  
11 TomorrowNow's knowledge with respect to the information sought in this request because  
12 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
13 information provided by Defendant TomorrowNow in this response. Defendants object to the  
14 request because the terms "update," "tested/testing," "delivered," "copies," and "local  
15 environment" are capable of multiple meanings and thus, make this request overly broad, vague  
16 and ambiguous. Further, Exhibit A lists the names of "master bundles" as that phrase was used  
17 by TomorrowNow in the SAS database. TomorrowNow's "master bundles" are not the actual  
18 objects included in fixes or updates that are developed for TomorrowNow's customers. "Master  
19 fixes" and "master bundles" are records that describe the issue to be addressed and then serve as a  
20 record keeping device and reference for that issue and related activity TomorrowNow undertook  
21 to address that issue. The actual development of customer-specific objects included in customer-  
22 specific fixes and updates was referenced to a "master bundle" or "master fix" record for  
23 identification and record keeping purposes. Thus, if this request seeks an admission related to  
24 each and every object related to each and every customer-specific fix or update that  
25 TomorrowNow developed, then this single request impermissibly seeks literally thousands of  
26 admissions similar to the admissions Plaintiffs impermissibly seek regarding the large number  
27 of .DAT files contained within the 33,185 objects listed in Plaintiffs' Exhibit D to Plaintiffs'  
28 Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is

1 the intent of this request, then to respond to this request, Defendants would have to analyze each  
2 individual object in each fix or update contained within each master bundle. Defendants,  
3 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
4 because it seeks an admission regarding thousands of separate activities that (1) involved many  
5 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
6 would require Defendants to review enormous volumes of business records to attempt to  
7 determine an answer, if possible, for each of the numerous objects contained within the  
8 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
9 Defendants' burden associated with responding to this request is substantially similar to the  
10 burden for Plaintiffs to obtain the information sought through this request, especially because the  
11 available documents, data and other information from which the answer, if any, could be derived  
12 in response to this request have been produced by Defendants in response to Plaintiffs' other  
13 discovery requests and thus any relevant, available information is now as equally accessible to  
14 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
15 qualifications, Defendants respond as follows:

16 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
17 information Defendants currently know or can readily obtain, Defendants have insufficient  
18 information to admit or deny this request.

19 **REQUEST FOR ADMISSION NO. 660:**

20 Admit that for each Update listed in Exhibit A which included a COBOL file, TN tested at  
21 least one COBOL file in one Local Environment and then delivered Copies of that same COBOL  
22 file to more than one Customer without additionally testing them in the Local Environments of  
23 each such Customer.

24 **RESPONSE TO REQUEST FOR ADMISSION NO. 660:**

25 Defendants object to this request on the grounds stated in the General Objections and  
26 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
27 respect to the information sought in this request because Defendants SAP AG and SAP America  
28 have no additional knowledge separate and apart from the information provided by Defendant

1 TomorrowNow in this response. Defendants object to the request because the terms  
2 “tested/testing,” “delivered,” “copies,” and “local environment” are subject to multiple meanings  
3 and, as such, are overly broad, vague, and ambiguous. Further, Exhibit A lists the names of  
4 master bundles as that term was used by TomorrowNow in the SAS database. The master bundles  
5 are not the actual objects that are developed for TomorrowNow customers. Master bundles and  
6 master fixes are records that simply identify problems for which TomorrowNow generally  
7 developed objects to resolve. The object development often took place at the release level,  
8 source level, and customer level. If this request is actually asking for information related to each  
9 and every COBOL file in these master fixes, this number is more in line with the large numbers  
10 of COBOL files listed amongst the 33,185 objects listed in Plaintiffs’ Exhibit D to Plaintiffs’  
11 Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To  
12 respond to this question, Defendants would have to analyze each individual COBOL file in each  
13 fix or update contained within each master fix. Defendants, therefore, object to this request as  
14 compound and unduly burdensome in that this request seeks information and activities that (1)  
15 involved many thousands of objects, (2) involved numerous employees, (3) took place over  
16 several years, and (4) would require Defendants to review substantial business records to  
17 determine an answer, if possible, for each of the numerous numbers of COBOL files contained  
18 within the fixes and updates, and Defendants’ burden in doing so would be substantially similar  
19 to the burden for Plaintiffs to do so given that the available information is at least as equally  
20 accessible to Plaintiffs as it is to Defendants.

21 Subject to the General Objections and Responses and these specific objections, after a  
22 reasonable inquiry and based on Defendants’ understanding of these questions, Defendants lack  
23 sufficient knowledge and information to either admit or deny these requests, as the information  
24 sought was not tracked, recorded, or maintained by TomorrowNow in a “readily obtainable  
25 manner.” On this basis, therefore, these requests are DENIED.

26 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 660:**

27 Defendants incorporate by reference, as if fully set forth herein, all of Defendants’  
28 General Objections noted above. Defendants’ response is based solely on Defendant

1 TomorrowNow's knowledge with respect to the information sought in this request because  
2 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
3 information provided by Defendant TomorrowNow in this response. Defendants object to the  
4 request because the terms "update," "tested/testing," "delivered," "copies," and "local  
5 environment" are capable of multiple meanings and thus, make this request overly broad, vague  
6 and ambiguous. Further, Exhibit A lists the names of "master bundles" as that phrase was used  
7 by TomorrowNow in the SAS database. TomorrowNow's "master bundles" are not the actual  
8 objects included in fixes or updates that are developed for TomorrowNow's customers. "Master  
9 fixes" and "master bundles" are records that describe the issue to be addressed and then serve as a  
10 record keeping device and reference for that issue and related activity TomorrowNow undertook  
11 to address that issue. The actual development of customer-specific objects included in customer-  
12 specific fixes and updates was referenced to a "master bundle" or "master fix" record for  
13 identification and record keeping purposes. Thus, if this request seeks an admission related to  
14 each and every object related to each and every customer-specific fix or update that  
15 TomorrowNow developed, then this single request impermissibly seeks literally thousands of  
16 admissions similar to the admissions Plaintiffs impermissibly seek regarding the large number of  
17 COBOL files contained within the 33,185 objects listed in Plaintiffs' Exhibit D to Plaintiffs'  
18 Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is  
19 the intent of this request, then to respond to this request, Defendants would have to analyze each  
20 individual object in each fix or update contained within each master bundle. Defendants,  
21 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
22 because it seeks an admission regarding thousands of separate activities that (1) involved many  
23 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
24 would require Defendants to review enormous volumes of business records to attempt to  
25 determine an answer, if possible, for each of the numerous objects contained within the  
26 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
27 Defendants' burden associated with responding to this request is substantially similar to the  
28 burden for Plaintiffs to obtain the information sought through this request, especially because the



1 available documents, data and other information from which the answer, if any, could be derived  
2 in response to this request have been produced by Defendants in response to Plaintiffs' other  
3 discovery requests and thus any relevant, available information is now as equally accessible to  
4 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
5 qualifications, Defendants respond as follows:

6 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
7 information Defendants currently know or can readily obtain, Defendants have insufficient  
8 information to admit or deny this request.

9 **REQUEST FOR ADMISSION NO. 661:**

10 Admit that for each Update listed in Exhibit A which included an SQR file, TN tested at  
11 least one SQR file in one Local Environment and then delivered Copies of that same SQR file to  
12 more than one Customer without additionally testing them in the Local Environments of each  
13 such Customer.

14 **RESPONSE TO REQUEST FOR ADMISSION NO. 661:**

15 Defendants object to this request on the grounds stated in the General Objections and  
16 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
17 respect to the information sought in this request because Defendants SAP AG and SAP America  
18 have no additional knowledge separate and apart from the information provided by Defendant  
19 TomorrowNow in this response. Defendants object to the request because the terms  
20 "tested/testing," "delivered," "copies," and "local environment" are subject to multiple meanings  
21 and, as such, are overly broad, vague, and ambiguous. Further, Exhibit A lists the names of  
22 master bundles as that term was used by TomorrowNow in the SAS database. The master bundles  
23 are not the actual objects that are developed for TomorrowNow customers. Master bundles and  
24 master fixes are records that simply identify problems for which TomorrowNow generally  
25 developed objects to resolve. The object development often took place at the release level,  
26 source level, and customer level. If this request is actually asking for information related to each  
27 and every SQR file in these master fixes, this number is more in line with the large numbers of  
28 SQR files listed amongst the 33,185 objects listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set

1 of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this  
2 question, Defendants would have to analyze each individual SQR file in each fix or update  
3 contained within each master fix. Defendants, therefore, object to this request as compound and  
4 unduly burdensome in that this request seeks information and activities that (1) involved many  
5 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
6 would require Defendants to review substantial business records to determine an answer, if  
7 possible, for each of the numerous numbers of SQR files contained within the fixes and updates,  
8 and Defendants' burden in doing so would be substantially similar to the burden for Plaintiffs to  
9 do so given that the available information is at least as equally accessible to Plaintiffs as it is to  
10 Defendants.

11 Subject to the General Objections and Responses and these specific objections, after a  
12 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
13 sufficient knowledge and information to either admit or deny these requests, as the information  
14 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
15 manner." On this basis, therefore, these requests are DENIED.

16 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 661:**

17 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
18 General Objections noted above. Defendants' response is based solely on Defendant  
19 TomorrowNow's knowledge with respect to the information sought in this request because  
20 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
21 information provided by Defendant TomorrowNow in this response. Defendants object to the  
22 request because the terms "update," "tested/testing," "delivered," "copies," and "local  
23 environment" are capable of multiple meanings and thus, make this request overly broad, vague  
24 and ambiguous. Further, Exhibit A lists the names of "master bundles" as that phrase was used  
25 by TomorrowNow in the SAS database. TomorrowNow's "master bundles" are not the actual  
26 objects included in fixes or updates that are developed for TomorrowNow's customers. "Master  
27 fixes" and "master bundles" are records that describe the issue to be addressed and then serve as a  
28 record keeping device and reference for that issue and related activity TomorrowNow undertook

1 to address that issue. The actual development of customer-specific objects included in customer-  
2 specific fixes and updates was referenced to a “master bundle” or “master fix” record for  
3 identification and record keeping purposes. Thus, if this request seeks an admission related to  
4 each and every object related to each and every customer-specific fix or update that  
5 TomorrowNow developed, then this single request impermissibly seeks literally thousands of  
6 admissions similar to the admissions Plaintiffs impermissibly seek regarding the large number  
7 of .SQR files contained within the 33,185 objects listed in Plaintiffs’ Exhibit D to Plaintiffs’  
8 Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is  
9 the intent of this request, then to respond to this request, Defendants would have to analyze each  
10 individual object in each fix or update contained within each master bundle. Defendants,  
11 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
12 because it seeks an admission regarding thousands of separate activities that (1) involved many  
13 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
14 would require Defendants to review enormous volumes of business records to attempt to  
15 determine an answer, if possible, for each of the numerous objects contained within the  
16 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
17 Defendants’ burden associated with responding to this request is substantially similar to the  
18 burden for Plaintiffs to obtain the information sought through this request, especially because the  
19 available documents, data and other information from which the answer, if any, could be derived  
20 in response to this request have been produced by Defendants in response to Plaintiffs’ other  
21 discovery requests and thus any relevant, available information is now as equally accessible to  
22 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
23 qualifications, Defendants respond as follows:

24 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
25 information Defendants currently know or can readily obtain, Defendants have insufficient  
26 information to admit or deny this request.

27 **REQUEST FOR ADMISSION NO. 662:**

28 Admit that for each Update listed in Exhibit A which included an Online Object, TN

1 tested at least one Online Object in one Local Environment then and delivered Copies of that  
2 same Online Object to more than one Customer without additionally testing them in the Local  
3 Environments of each such Customer.

4 **RESPONSE TO REQUEST FOR ADMISSION NO. 662:**

5 Defendants object to this request on the grounds stated in the General Objections and  
6 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
7 respect to the information sought in this request because Defendants SAP AG and SAP America  
8 have no additional knowledge separate and apart from the information provided by Defendant  
9 TomorrowNow in this response. Defendants object to the request because the terms  
10 "tested/testing," "delivered," "copies," and "local environment" are subject to multiple meanings  
11 and, as such, are overly broad, vague, and ambiguous. Further, Exhibit A lists the names of  
12 master bundles as that term was used by TomorrowNow in the SAS database. The master bundles  
13 are not the actual objects that are developed for TomorrowNow customers. Master bundles and  
14 master fixes are records that simply identify problems for which TomorrowNow generally  
15 developed objects to resolve. The object development often took place at the release level,  
16 source level, and customer level. If this request is actually asking for information related to each  
17 and every online object included as part of a master fix, Defendants would have to analyze each  
18 individual fix or update contained within each master fix. Defendants, therefore, object to this  
19 request as compound and unduly burdensome in that this request seeks information and activities  
20 that (1) involved many thousands of objects, (2) involved numerous employees, (3) took place  
21 over several years, and (4) would require Defendants to review substantial business records to  
22 determine an answer, if possible, for each of the numerous numbers objects contained within the  
23 fixes and updates, and Defendants' burden in doing so would be substantially similar to the  
24 burden for Plaintiffs to do so given that the available information is at least as equally accessible  
25 to Plaintiffs as it is to Defendants.

26 Subject to the General Objections and Responses and these specific objections, after a  
27 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
28 sufficient knowledge and information to either admit or deny these requests, as the information

1 sought was not tracked, recorded, or maintained by TomorrowNow in a “readily obtainable  
2 manner.” On this basis, therefore, these requests are DENIED.

3 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 662:**

4 Defendants incorporate by reference, as if fully set forth herein, all of Defendants’  
5 General Objections noted above. Defendants’ response is based solely on Defendant  
6 TomorrowNow’s knowledge with respect to the information sought in this request because  
7 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
8 information provided by Defendant TomorrowNow in this response. Defendants object to the  
9 request because the terms “update,” “tested/testing,” “delivered,” “copies,” and “local  
10 environment” are capable of multiple meanings and thus, make this request overly broad, vague  
11 and ambiguous. Further, Exhibit A lists the names of “master bundles” as that phrase was used  
12 by TomorrowNow in the SAS database. TomorrowNow’s “master bundles” are not the actual  
13 objects included in fixes or updates that are developed for TomorrowNow’s customers. “Master  
14 fixes” and “master bundles” are records that describe the issue to be addressed and then serve as a  
15 record keeping device and reference for that issue and related activity TomorrowNow undertook  
16 to address that issue. The actual development of customer-specific objects included in customer-  
17 specific fixes and updates was referenced to a “master bundle” or “master fix” record for  
18 identification and record keeping purposes. Thus, if this request seeks an admission related to  
19 each and every object related to each and every customer-specific fix or update that  
20 TomorrowNow developed, then this single request impermissibly seeks literally thousands of  
21 admissions similar to the admissions Plaintiffs impermissibly seek regarding the large number of  
22 online objects contained within the 33,185 objects listed in Plaintiffs’ Exhibit D to Plaintiffs’  
23 Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is  
24 the intent of this request, then to respond to this request, Defendants would have to analyze each  
25 individual object in each fix or update contained within each master bundle. Defendants,  
26 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
27 because it seeks an admission regarding thousands of separate activities that (1) involved many  
28 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)

1 would require Defendants to review enormous volumes of business records to attempt to  
2 determine an answer, if possible, for each of the numerous objects contained within the  
3 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
4 Defendants' burden associated with responding to this request is substantially similar to the  
5 burden for Plaintiffs to obtain the information sought through this request, especially because the  
6 available documents, data and other information from which the answer, if any, could be derived  
7 in response to this request have been produced by Defendants in response to Plaintiffs' other  
8 discovery requests and thus any relevant, available information is now as equally accessible to  
9 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
10 qualifications, Defendants respond as follows:

11 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
12 information Defendants currently know or can readily obtain, Defendants have insufficient  
13 information to admit or deny this request.

14 **REQUEST FOR ADMISSION NO. 663:**

15 Admit that SAP TN used Araxis Merge to compare code in at least two Local  
16 Environments installed from media originally provided by at least two different Customers as part  
17 of Developing at least one Fix Object delivered to a Customer as part of each Update listed in  
18 Exhibit A.

19 **RESPONSE TO REQUEST FOR ADMISSION NO. 663:**

20 Defendants object to this request on the grounds stated in the General Objections and  
21 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
22 respect to the information sought in this request because Defendants SAP AG and SAP America  
23 have no additional knowledge separate and apart from the information provided by Defendant  
24 TomorrowNow in this response. Defendants object to the request because the terms "used,"  
25 "compare," "code," "local environments," "developing," and "delivered" are subject to multiple  
26 meanings and, as such, are overly broad, vague, and ambiguous. Defendants object to the phrase  
27 "to compare code in at least two local environments installed from media originally provided by  
28 at least two different customers" as being subject to multiple meanings and, as such, being vague

1 and ambiguous. Defendants further object to the term “Fix Object” as overly broad, vague, and  
2 inaccurate to the extent it includes the phrase “discrete unit of code.” Defendants respond as if  
3 the undefined term “object” was used in “Fix Object’s” place. Further, Exhibit A lists the names  
4 of master bundles as that term was used by TomorrowNow in the SAS database. The master  
5 bundles are not the actual objects that are developed for TomorrowNow customers. Master  
6 bundles and master fixes are records that simply identify problems for which TomorrowNow  
7 generally developed objects to resolve. The object development often took place at the release  
8 level, source level, and customer level. If this request is actually asking for information related to  
9 each and every object TomorrowNow developed, this number is more in line with the 33,185  
10 listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for Admissions to SAP AG,  
11 SAP America, and TomorrowNow. To respond to this question, Defendants would have to  
12 analyze each individual object in each fix or update contained within each master bundle.  
13 Defendants, therefore, object to this request as compound and unduly burdensome in that this  
14 request seeks information and activities that (1) involved many thousands of objects, (2) involved  
15 numerous employees, (3) took place over several years, and (4) would require Defendants to  
16 review substantial business records to determine an answer, if possible, for each of the numerous  
17 numbers of objects contained within the fixes and updates, and Defendants’ burden in doing so  
18 would be substantially similar to the burden for Plaintiffs to do so given that the available  
19 information is at least as equally accessible to Plaintiffs as it is to Defendants.

20 Subject to the General Objections and Responses and these specific objections, after a  
21 reasonable inquiry and based on Defendants’ understanding of these questions, Defendants lack  
22 sufficient knowledge and information to either admit or deny these requests, as the information  
23 sought was not tracked, recorded, or maintained by TomorrowNow in a “readily obtainable  
24 manner.” On this basis, therefore, these requests are DENIED.

25 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 663:**

26 Defendants incorporate by reference, as if fully set forth herein, all of Defendants’  
27 General Objections noted above. Defendants’ response is based solely on Defendant  
28 TomorrowNow’s knowledge with respect to the information sought in this request because

1 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
2 information provided by Defendant TomorrowNow in this response. Defendants object to the  
3 request because the terms “update,” “used,” “compare,” “code,” “local environments,”  
4 “developing,” and “delivered” are capable of multiple meanings and thus, make this request  
5 overly broad, vague and ambiguous. Defendants object to the phrase “to compare code in at least  
6 two local environments installed from media originally provided by at least two different  
7 customers” as being subject to multiple meanings and, as such, being overly broad, vague and  
8 ambiguous. Further, Exhibit A lists the names of “master bundles” as that phrase was used by  
9 TomorrowNow in the SAS database. TomorrowNow’s “master bundles” are not the actual  
10 objects included in fixes or updates that are developed for TomorrowNow’s customers. “Master  
11 fixes” and “master bundles” are records that describe the issue to be addressed and then serve as a  
12 record keeping device and reference for that issue and related activity TomorrowNow undertook  
13 to address that issue. The actual development of customer-specific objects included in customer-  
14 specific fixes and updates was referenced to a “master bundle” or “master fix” record for  
15 identification and record keeping purposes. Thus, if this request seeks an admission related to  
16 each and every object related to each and every customer-specific fix or update that  
17 TomorrowNow developed, then this single request impermissibly seeks literally thousands of  
18 admissions similar to the admissions Plaintiffs impermissibly seek regarding the large number of  
19 objects contained within the 33,185 objects listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set  
20 of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the intent  
21 of this request, then to respond to this request, Defendants would have to analyze each individual  
22 object in each fix or update contained within each master bundle. Defendants, therefore, object  
23 on the basis that this request is compound, overly broad and unduly burdensome because it seeks  
24 an admission regarding thousands of separate activities that (1) involved many thousands of  
25 objects, (2) involved numerous employees, (3) took place over several years, and (4) would  
26 require Defendants to review enormous volumes of business records to attempt to determine an  
27 answer, if possible, for each of the numerous objects contained within the referenced fixes and  
28 updates. Moreover, Defendants object to this request on the basis that Defendants’ burden



1 associated with responding to this request is substantially similar to the burden for Plaintiffs to  
2 obtain the information sought through this request, especially because the available documents,  
3 data and other information from which the answer, if any, could be derived in response to this  
4 request have been produced by Defendants in response to Plaintiffs' other discovery requests and  
5 thus any relevant, available information is now as equally accessible to Plaintiffs as it is to  
6 Defendants. Subject to and without waiving the foregoing objections and qualifications,  
7 Defendants respond as follows:

8 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
9 information Defendants currently know or can readily obtain, Defendants have insufficient  
10 information to admit or deny this request.

11 **REQUEST FOR ADMISSION NO. 664:**

12 Admit that SAP TN used Araxis Merge to compare code in at least two Local  
13 Environments installed from media originally provided by at least two different Customers as part  
14 of testing at least one Fix Object delivered to a Customer as part of each Update listed in Exhibit  
15 A.

16 **RESPONSE TO REQUEST FOR ADMISSION NO. 664:**

17 Defendants object to this request on the grounds stated in the General Objections and  
18 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
19 respect to the information sought in this request because Defendants SAP AG and SAP America  
20 have no additional knowledge separate and apart from the information provided by Defendant  
21 TomorrowNow in this response. Defendants object to the request because the terms "used,"  
22 "compare," "code," "local environments," "testing," and "delivered" are subject to multiple  
23 meanings and, as such, are overly broad, vague, and ambiguous. Defendants object to the phrase  
24 "to compare code in at least two local environments installed from media originally provided by  
25 at least two different customers" as being subject to multiple meanings and, as such, being vague  
26 and ambiguous. Defendants further object to the term "Fix Object" as overly broad, vague, and  
27 inaccurate to the extent it includes the phrase "discrete unit of code." Defendants respond as if  
28 the undefined term "object" was used in "Fix Object's" place. Further, Exhibit A lists the names

1 of master bundles as that term was used by TomorrowNow in the SAS database. The master  
2 bundles are not the actual objects that are developed for TomorrowNow customers. Master  
3 bundles and master fixes are records that simply identify problems for which TomorrowNow  
4 generally developed objects to resolve. The object development often took place at the release  
5 level, source level, and customer level. If this request is actually asking for information related to  
6 each and every object TomorrowNow developed, this number is more in line with the 33,185  
7 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG,  
8 SAP America, and TomorrowNow. To respond to this question, Defendants would have to  
9 analyze each individual object in each fix or update contained within each master bundle.  
10 Defendants, therefore, object to this request as compound and unduly burdensome in that this  
11 request seeks information and activities that (1) involved many thousands of objects, (2) involved  
12 numerous employees, (3) took place over several years, and (4) would require Defendants to  
13 review substantial business records to determine an answer, if possible, for each of the numerous  
14 numbers of objects contained within the fixes and updates, and Defendants' burden in doing so  
15 would be substantially similar to the burden for Plaintiffs to do so given that the available  
16 information is at least as equally accessible to Plaintiffs as it is to Defendants.

17 Subject to the General Objections and Responses and these specific objections, after a  
18 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
19 sufficient knowledge and information to either admit or deny these requests, as the information  
20 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
21 manner." On this basis, therefore, these requests are DENIED.

22 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 664:**

23 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
24 General Objections noted above. Defendants' response is based solely on Defendant  
25 TomorrowNow's knowledge with respect to the information sought in this request because  
26 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
27 information provided by Defendant TomorrowNow in this response. Defendants object to the  
28 request because the terms "update," "used," "compare," "code," "local environments," "testing,"

1 and “delivered” are capable of multiple meanings and thus, make this request overly broad, vague  
2 and ambiguous. Defendants object to the phrase “to compare code in at least two local  
3 environments installed from media originally provided by at least two different customers” as  
4 being subject to multiple meanings and, as such, being overly broad, vague and ambiguous.  
5 Further, Exhibit A lists the names of “master bundles” as that phrase was used by TomorrowNow  
6 in the SAS database. TomorrowNow’s “master bundles” are not the actual objects included in  
7 fixes or updates that are developed for TomorrowNow’s customers. “Master fixes” and “master  
8 bundles” are records that describe the issue to be addressed and then serve as a record keeping  
9 device and reference for that issue and related activity TomorrowNow undertook to address that  
10 issue. The actual development of customer-specific objects included in customer-specific fixes  
11 and updates was referenced to a “master bundle” or “master fix” record for identification and  
12 record keeping purposes. Thus, if this request seeks an admission related to each and every object  
13 related to each and every customer-specific fix or update that TomorrowNow developed, then this  
14 single request impermissibly seeks literally thousands of admissions similar to the admissions  
15 Plaintiffs impermissibly seek regarding the large number of objects contained within the 33,185  
16 objects listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for Admissions to SAP  
17 AG, SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
18 request, Defendants would have to analyze each individual object in each fix or update contained  
19 within each master bundle. Defendants, therefore, object on the basis that this request is  
20 compound, overly broad and unduly burdensome because it seeks an admission regarding  
21 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
22 numerous employees, (3) took place over several years, and (4) would require Defendants to  
23 review enormous volumes of business records to attempt to determine an answer, if possible, for  
24 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
25 Defendants object to this request on the basis that Defendants’ burden associated with responding  
26 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
27 through this request, especially because the available documents, data and other information from  
28 which the answer, if any, could be derived in response to this request have been produced by

1 Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available  
2 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and  
3 without waiving the foregoing objections and qualifications, Defendants respond as follows:

4 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
5 information Defendants currently know or can readily obtain, Defendants have insufficient  
6 information to admit or deny this request.

7 **REQUEST FOR ADMISSION NO. 665:**

8 Admit that in Developing at least one Fix Object delivered to a Customer as part of each  
9 Update listed in Exhibit A, SAP TN used Araxis Merge to compare code in at least two Local  
10 Environments that SAP TN built from software obtained from Customers other than at least one  
11 Customer who received the Fix Object.

12 **RESPONSE TO REQUEST FOR ADMISSION NO. 665:**

13 Defendants object to this request on the grounds stated in the General Objections and  
14 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
15 respect to the information sought in this request because Defendants SAP AG and SAP America  
16 have no additional knowledge separate and apart from the information provided by Defendant  
17 TomorrowNow in this response. Defendants object to the request because the terms "used,"  
18 "compare," "code," "local environments," "developing," and "delivered" are subject to multiple  
19 meanings and, as such, are overly broad, vague, and ambiguous. Defendants object to the phrases  
20 "to compare code in at least two local environments installed from media originally provided by  
21 at least two different customers" and "built from software obtained from customers other than at  
22 least one customer who received the fix object" as being subject to multiple meanings and, as  
23 such, being vague and ambiguous. Defendants further object to the term "Fix Object" as overly  
24 broad, vague, and inaccurate to the extent it includes the phrase "discrete unit of code."  
25 Defendants respond as if the undefined term "object" was used in "Fix Object's" place. Further,  
26 Exhibit A lists the names of master bundles as that term was used by TomorrowNow in the SAS  
27 database. The master bundles are not the actual objects that are developed for TomorrowNow  
28 customers. Master bundles and master fixes are records that simply identify problems for which

1 TomorrowNow generally developed objects to resolve. The object development often took place  
2 at the release level, source level, and customer level. If this request is actually asking for  
3 information related to each and every object TomorrowNow developed, this number is more in  
4 line with the 33,185 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for  
5 Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this question,  
6 Defendants would have to analyze each individual object in each fix or update contained within  
7 each master bundle. Defendants, therefore, object to this request as compound and unduly  
8 burdensome in that this request seeks information and activities that (1) involved many thousands  
9 of objects, (2) involved numerous employees, (3) took place over several years, and (4) would  
10 require Defendants to review substantial business records to determine an answer, if possible, for  
11 each of the numerous numbers of objects contained within the fixes and updates, and Defendants'  
12 burden in doing so would be substantially similar to the burden for Plaintiffs to do so given that  
13 the available information is at least as equally accessible to Plaintiffs as it is to Defendants.

14 Subject to the General Objections and Responses and these specific objections, after a  
15 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
16 sufficient knowledge and information to either admit or deny these requests, as the information  
17 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
18 manner." On this basis, therefore, these requests are DENIED.

19 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 665:**

20 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
21 General Objections noted above. Defendants' response is based solely on Defendant  
22 TomorrowNow's knowledge with respect to the information sought in this request because  
23 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
24 information provided by Defendant TomorrowNow in this response. Defendants object to the  
25 request because the terms "update," "used," "compare," "code," "local environments,"  
26 "developing," and "delivered" are capable of multiple meanings and thus, make this request  
27 overly broad, vague and ambiguous. Defendants object to the phrases "to compare code in at  
28 least two local environments" and "built from software obtained from customers other than at

1 least one customer who received the fix object” as being subject to multiple meanings and, as  
2 such, being vague and ambiguous. Further, Exhibit A lists the names of “master bundles” as that  
3 phrase was used by TomorrowNow in the SAS database. TomorrowNow’s “master bundles” are  
4 not the actual objects included in fixes or updates that are developed for TomorrowNow’s  
5 customers. “Master fixes” and “master bundles” are records that describe the issue to be  
6 addressed and then serve as a record keeping device and reference for that issue and related  
7 activity TomorrowNow undertook to address that issue. The actual development of customer-  
8 specific objects included in customer-specific fixes and updates was referenced to a “master  
9 bundle” or “master fix” record for identification and record keeping purposes. Thus, if this  
10 request seeks an admission related to each and every object related to each and every customer-  
11 specific fix or update that TomorrowNow developed, then this single request impermissibly seeks  
12 literally thousands of admissions similar to the admissions Plaintiffs impermissibly seek  
13 regarding the large number of objects contained within the 33,185 objects listed in Plaintiffs’  
14 Exhibit D to Plaintiffs’ Third Set of Requests for Admissions to SAP AG, SAP America, and  
15 TomorrowNow. If that is the intent of this request, then to respond to this request, Defendants  
16 would have to analyze each individual object in each fix or update contained within each master  
17 bundle. Defendants, therefore, object on the basis that this request is compound, overly broad and  
18 unduly burdensome because it seeks an admission regarding thousands of separate activities that  
19 (1) involved many thousands of objects, (2) involved numerous employees, (3) took place over  
20 several years, and (4) would require Defendants to review enormous volumes of business records  
21 to attempt to determine an answer, if possible, for each of the numerous objects contained within  
22 the referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
23 Defendants’ burden associated with responding to this request is substantially similar to the  
24 burden for Plaintiffs to obtain the information sought through this request, especially because the  
25 available documents, data and other information from which the answer, if any, could be derived  
26 in response to this request have been produced by Defendants in response to Plaintiffs’ other  
27 discovery requests and thus any relevant, available information is now as equally accessible to  
28 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and

1 qualifications, Defendants respond as follows:

2 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
3 information Defendants currently know or can readily obtain, Defendants have insufficient  
4 information to admit or deny this request.

5 **REQUEST FOR ADMISSION NO. 666:**

6 Admit that in testing at least one Fix Object delivered to a Customer as part of each  
7 Update listed in Exhibit A, SAP TN used Araxis Merge to compare code in at least two Local  
8 Environments that SAP TN built from software obtained from Customers other than at least one  
9 Customer who received the Fix Object.

10 **RESPONSE TO REQUEST FOR ADMISSION NO. 666:**

11 Defendants object to this request on the grounds stated in the General Objections and  
12 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
13 respect to the information sought in this request because Defendants SAP AG and SAP America  
14 have no additional knowledge separate and apart from the information provided by Defendant  
15 TomorrowNow in this response. Defendants object to the request because the terms "used,"  
16 "compare," "code," "local environments," "testing," and "delivered" are subject to multiple  
17 meanings and, as such, are overly broad, vague, and ambiguous. Defendants object to the phrases  
18 "to compare code in at least two local environments installed from media originally provided by  
19 at least two different customers" and "built from software obtained from customers other than at  
20 least one customer who received the fix object" as being subject to multiple meanings and, as  
21 such, being vague and ambiguous. Defendants further object to the term "Fix Object" as overly  
22 broad, vague, and inaccurate to the extent it includes the phrase "discrete unit of code."  
23 Defendants respond as if the undefined term "object" was used in "Fix Object's" place. Further,  
24 Exhibit A lists the names of master bundles as that term was used by TomorrowNow in the SAS  
25 database. The master bundles are not the actual objects that are developed for TomorrowNow  
26 customers. Master bundles and master fixes are records that simply identify problems for which  
27 TomorrowNow generally developed objects to resolve. The object development often took place  
28 at the release level, source level, and customer level. If this request is actually asking for

1 information related to each and every object TomorrowNow developed, this number is more in  
2 line with the 33,185 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for  
3 Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this question,  
4 Defendants would have to analyze each individual object in each fix or update contained within  
5 each master bundle. Defendants, therefore, object to this request as compound and unduly  
6 burdensome in that this request seeks information and activities that (1) involved many thousands  
7 of objects, (2) involved numerous employees, (3) took place over several years, and (4) would  
8 require Defendants to review substantial business records to determine an answer, if possible, for  
9 each of the numerous numbers of objects contained within the fixes and updates, and Defendants'  
10 burden in doing so would be substantially similar to the burden for Plaintiffs to do so given that  
11 the available information is at least as equally accessible to Plaintiffs as it is to Defendants.

12 Subject to the General Objections and Responses and these specific objections, after a  
13 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
14 sufficient knowledge and information to either admit or deny these requests, as the information  
15 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
16 manner." On this basis, therefore, these requests are DENIED.

17 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 666:**

18 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
19 General Objections noted above. Defendants' response is based solely on Defendant  
20 TomorrowNow's knowledge with respect to the information sought in this request because  
21 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
22 information provided by Defendant TomorrowNow in this response. Defendants object to the  
23 request because the terms "update," "used," "compare," "code," "local environments," "testing,"  
24 and "delivered" are capable of multiple meanings and thus, make this request overly broad, vague  
25 and ambiguous. Defendants object to the phrases "to compare code in at least two local  
26 environments installed from media originally provided by at least two different customers" and  
27 "built from software obtained from customers other than at least one customer who received the  
28 fix object" as being subject to multiple meanings and, as such, being overly broad, vague and



1 ambiguous. Further, Exhibit A lists the names of “master bundles” as that phrase was used by  
2 TomorrowNow in the SAS database. TomorrowNow’s “master bundles” are not the actual  
3 objects included in fixes or updates that are developed for TomorrowNow’s customers. “Master  
4 fixes” and “master bundles” are records that describe the issue to be addressed and then serve as a  
5 record keeping device and reference for that issue and related activity TomorrowNow undertook  
6 to address that issue. The actual development of customer-specific objects included in customer-  
7 specific fixes and updates was referenced to a “master bundle” or “master fix” record for  
8 identification and record keeping purposes. Thus, if this request seeks an admission related to  
9 each and every object related to each and every customer-specific fix or update that  
10 TomorrowNow developed, then this single request impermissibly seeks literally thousands of  
11 admissions similar to the admissions Plaintiffs impermissibly seek regarding the large number of  
12 objects contained within the 33,185 objects listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set  
13 of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the intent  
14 of this request, then to respond to this request, Defendants would have to analyze each individual  
15 object in each fix or update contained within each master bundle. Defendants, therefore, object  
16 on the basis that this request is compound, overly broad and unduly burdensome because it seeks  
17 an admission regarding thousands of separate activities that (1) involved many thousands of  
18 objects, (2) involved numerous employees, (3) took place over several years, and (4) would  
19 require Defendants to review enormous volumes of business records to attempt to determine an  
20 answer, if possible, for each of the numerous objects contained within the referenced fixes and  
21 updates. Moreover, Defendants object to this request on the basis that Defendants’ burden  
22 associated with responding to this request is substantially similar to the burden for Plaintiffs to  
23 obtain the information sought through this request, especially because the available documents,  
24 data and other information from which the answer, if any, could be derived in response to this  
25 request have been produced by Defendants in response to Plaintiffs’ other discovery requests and  
26 thus any relevant, available information is now as equally accessible to Plaintiffs as it is to  
27 Defendants. Subject to and without waiving the foregoing objections and qualifications,  
28 Defendants respond as follows:

1 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
2 information Defendants currently know or can readily obtain, Defendants have insufficient  
3 information to admit or deny this request.

4 **REQUEST FOR ADMISSION NO. 667:**

5 Admit that for each Update listed in the right-hand column of Exhibit A, TN used a Local  
6 Environment with no Customer-specific identifier in its name (e.g., HR751CSS) to Develop at  
7 least one Fix Object that SAP TN then delivered to more than one Customer.

8 **RESPONSE TO REQUEST FOR ADMISSION NO. 667:**

9 Defendants object to this request on the grounds stated in the General Objections and  
10 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
11 respect to the information sought in this request because Defendants SAP AG and SAP America  
12 have no additional knowledge separate and apart from the information provided by Defendant  
13 TomorrowNow in this response. Defendants object to the request because the terms "used,"  
14 "local environments," "develop," and "delivered" are subject to multiple meanings and, as such,  
15 are overly broad, vague, and ambiguous. Defendants object to the phrases "no customer-specific  
16 identifier in its name" as being subject to multiple meanings and, as such, being vague and  
17 ambiguous. Defendants further object to the term "Fix Object" as overly broad, vague, and  
18 inaccurate to the extent it includes the phrase "discrete unit of code." Defendants respond as if  
19 the undefined term "object" was used in "Fix Object's" place. Further, Exhibit A lists the names  
20 of master bundles as that term was used by TomorrowNow in the SAS database. The master  
21 bundles are not the actual objects that are developed for TomorrowNow customers. Master  
22 bundles and master fixes are records that simply identify problems for which TomorrowNow  
23 generally developed objects to resolve. The object development often took place at the release  
24 level, source level, and customer level. If this request is actually asking for information related to  
25 each and every object TomorrowNow developed, this number is more in line with the 33,185  
26 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG,  
27 SAP America, and TomorrowNow. To respond to this question, Defendants would have to  
28 analyze each individual object in each fix or update contained within each master bundle.

1 Defendants, therefore, object to this request as compound and unduly burdensome in that this  
2 request seeks information and activities that (1) involved many thousands of objects, (2) involved  
3 numerous employees, (3) took place over several years, and (4) would require Defendants to  
4 review substantial business records to determine an answer, if possible, for each of the numerous  
5 numbers of objects contained within the fixes and updates, and Defendants' burden in doing so  
6 would be substantially similar to the burden for Plaintiffs to do so given that the available  
7 information is at least as equally accessible to Plaintiffs as it is to Defendants.

8 Subject to the General Objections and Responses and these specific objections, after a  
9 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
10 sufficient knowledge and information to either admit or deny these requests, as the information  
11 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
12 manner." On this basis, therefore, these requests are DENIED.

13 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 667:**

14 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
15 General Objections noted above. Defendants' response is based solely on Defendant  
16 TomorrowNow's knowledge with respect to the information sought in this request because  
17 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
18 information provided by Defendant TomorrowNow in this response. Defendants object to the  
19 request because the terms "update," "used," "local environments," and "delivered" are capable of  
20 multiple meanings and thus, make this request overly broad, vague and ambiguous. Defendants  
21 object to the phrase "no customer-specific identifier in its name" as being subject to multiple  
22 meanings and, as such, being vague and ambiguous. Further, Exhibit A lists the names of  
23 "master bundles" as that phrase was used by TomorrowNow in the SAS database.  
24 TomorrowNow's "master bundles" are not the actual objects included in fixes or updates that are  
25 developed for TomorrowNow's customers. "Master fixes" and "master bundles" are records that  
26 describe the issue to be addressed and then serve as a record keeping device and reference for that  
27 issue and related activity TomorrowNow undertook to address that issue. The actual  
28 development of customer-specific objects included in customer-specific fixes and updates was

1 referenced to a “master bundle” or “master fix” record for identification and record keeping  
2 purposes. Thus, if this request seeks an admission related to each and every object related to each  
3 and every customer-specific fix or update that TomorrowNow developed, then this single request  
4 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
5 impermissibly seek regarding the large number of objects contained within the 33,185 objects  
6 listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for Admissions to SAP AG,  
7 SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
8 request, Defendants would have to analyze each individual object in each fix or update contained  
9 within each master bundle. Defendants, therefore, object on the basis that this request is  
10 compound, overly broad and unduly burdensome because it seeks an admission regarding  
11 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
12 numerous employees, (3) took place over several years, and (4) would require Defendants to  
13 review enormous volumes of business records to attempt to determine an answer, if possible, for  
14 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
15 Defendants object to this request on the basis that Defendants’ burden associated with responding  
16 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
17 through this request, especially because the available documents, data and other information from  
18 which the answer, if any, could be derived in response to this request have been produced by  
19 Defendants in response to Plaintiffs’ other discovery requests and thus any relevant, available  
20 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and  
21 without waiving the foregoing objections and qualifications, Defendants respond as follows:

22 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
23 information Defendants currently know or can readily obtain, Defendants have insufficient  
24 information to admit or deny this request.

25 **REQUEST FOR ADMISSION NO. 668:**

26 Admit that for each Update listed in the right-hand column of Exhibit A, TN used a Local  
27 Environment with no Customer-specific identifier in its name (e.g., HR751CSS) to test at least  
28 one Fix Object that SAP TN then delivered to more than one Customer.

**RESPONSE TO REQUEST FOR ADMISSION NO. 668:**

Defendants object to this request on the grounds stated in the General Objections and Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant TomorrowNow in this response. Defendants object to the request because the terms "used," "local environments," "test," and "delivered" are subject to multiple meanings and, as such, are overly broad, vague, and ambiguous. Defendants object to the phrases "no customer-specific identifier in its name" as being subject to multiple meanings and, as such, being vague and ambiguous. Defendants further object to the term "Fix Object" as overly broad, vague, and inaccurate to the extent it includes the phrase "discrete unit of code." Defendants respond as if the undefined term "object" was used in "Fix Object's" place. Further, Exhibit A lists the names of master bundles as that term was used by TomorrowNow in the SAS database. The master bundles are not the actual objects that are developed for TomorrowNow customers. Master bundles and master fixes are records that simply identify problems for which TomorrowNow generally developed objects to resolve. The object development often took place at the release level, source level, and customer level. If this request is actually asking for information related to each and every object TomorrowNow developed, this number is more in line with the 33,185 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this question, Defendants would have to analyze each individual object in each fix or update contained within each master bundle. Defendants, therefore, object to this request as compound and unduly burdensome in that this request seeks information and activities that (1) involved many thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4) would require Defendants to review substantial business records to determine an answer, if possible, for each of the numerous numbers of objects contained within the fixes and updates, and Defendants' burden in doing so would be substantially similar to the burden for Plaintiffs to do so given that the available information is at least as equally accessible to Plaintiffs as it is to Defendants.

1 Subject to the General Objections and Responses and these specific objections, after a  
2 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
3 sufficient knowledge and information to either admit or deny these requests, as the information  
4 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
5 manner." On this basis, therefore, these requests are DENIED.

6 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 668:**

7 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
8 General Objections noted above. Defendants' response is based solely on Defendant  
9 TomorrowNow's knowledge with respect to the information sought in this request because  
10 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
11 information provided by Defendant TomorrowNow in this response. Defendants object to the  
12 request because the terms "update," "used," "local environments," "test," and "delivered" are  
13 capable of multiple meanings and thus, make this request overly broad, vague and ambiguous.  
14 Defendants object to the phrase "no customer-specific identifier in its name" as being subject to  
15 multiple meanings and, as such, being vague and ambiguous. Further, Exhibit A lists the names  
16 of "master bundles" as that phrase was used by TomorrowNow in the SAS database.  
17 TomorrowNow's "master bundles" are not the actual objects included in fixes or updates that are  
18 developed for TomorrowNow's customers. "Master fixes" and "master bundles" are records that  
19 describe the issue to be addressed and then serve as a record keeping device and reference for that  
20 issue and related activity TomorrowNow undertook to address that issue. The actual  
21 development of customer-specific objects included in customer-specific fixes and updates was  
22 referenced to a "master bundle" or "master fix" record for identification and record keeping  
23 purposes. Thus, if this request seeks an admission related to each and every object related to each  
24 and every customer-specific fix or update that TomorrowNow developed, then this single request  
25 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
26 impermissibly seek regarding the large number of objects contained within the 33,185 objects  
27 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG,  
28 SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this

1 request, Defendants would have to analyze each individual object in each fix or update contained  
2 within each master bundle. Defendants, therefore, object on the basis that this request is  
3 compound, overly broad and unduly burdensome because it seeks an admission regarding  
4 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
5 numerous employees, (3) took place over several years, and (4) would require Defendants to  
6 review enormous volumes of business records to attempt to determine an answer, if possible, for  
7 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
8 Defendants object to this request on the basis that Defendants' burden associated with responding  
9 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
10 through this request, especially because the available documents, data and other information from  
11 which the answer, if any, could be derived in response to this request have been produced by  
12 Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available  
13 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and  
14 without waiving the foregoing objections and qualifications, Defendants respond as follows:

15 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
16 information Defendants currently know or can readily obtain, Defendants have insufficient  
17 information to admit or deny this request.

18 **REQUEST FOR ADMISSION NO. 669:**

19 Admit that for each Fix listed in Exhibit B which included a DAT file, Copies of at least  
20 one DAT file were delivered to more than one Customer as part of the Fix.

21 **RESPONSE TO REQUEST FOR ADMISSION NO. 669:**

22 Defendants object to this request on the grounds stated in the General Objections and  
23 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
24 respect to the information sought in this request because Defendants SAP AG and SAP America  
25 have no additional knowledge separate and apart from the information provided by Defendant  
26 TomorrowNow in this response. Defendants object to the request because the terms "copies" and  
27 "delivered" are subject to multiple meanings and, as such, are overly broad, vague, and  
28 ambiguous. Further, Exhibit B lists the names of master fixes as that term was used by

1 TomorrowNow in the SAS database. The master fixes are not the actual objects that are  
2 developed for TomorrowNow customers. Master bundles and master fixes are records that  
3 simply identify problems for which TomorrowNow generally developed objects to resolve. The  
4 object development often took place at the release level, source level, and customer level. If this  
5 request is actually asking for information related to each and every DAT file in these master fixes,  
6 this number is more in line with the large numbers of DAT files listed amongst the 33,185 objects  
7 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG,  
8 SAP America, and TomorrowNow. To respond to this question, Defendants would have to  
9 analyze each individual DAT file in each fix or update contained within each master fix.  
10 Defendants, therefore, object to this request as compound and unduly burdensome in that this  
11 request seeks information and activities that (1) involved many thousands of objects, (2) involved  
12 numerous employees, (3) took place over several years, and (4) would require Defendants to  
13 review substantial business records to determine an answer, if possible, for each of the numerous  
14 numbers of DAT files contained within the fixes and updates, and Defendants' burden in doing so  
15 would be substantially similar to the burden for Plaintiffs to do so given that the available  
16 information is at least as equally accessible to Plaintiffs as it is to Defendants.

17 Subject to the General Objections and Responses and these specific objections, after a  
18 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
19 sufficient knowledge and information to either admit or deny these requests, as the information  
20 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
21 manner." On this basis, therefore, these requests are DENIED.

22 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 669:**

23 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
24 General Objections noted above. Defendants' response is based solely on Defendant  
25 TomorrowNow's knowledge with respect to the information sought in this request because  
26 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
27 information provided by Defendant TomorrowNow in this response. Defendants object to the  
28 request because the terms "fix," "copies" and "delivered" are capable of multiple meanings and



1 thus, make this request overly broad, vague and ambiguous. Further, Exhibit B lists the names of  
2 “master fixes” as that phrase was used by TomorrowNow in the SAS database. TomorrowNow’s  
3 “master fixes” are not the actual objects included in fixes or updates that are developed for  
4 TomorrowNow’s customers. “Master fixes” and “master bundles” are records that describe the  
5 issue to be addressed and then serve as a record keeping device and reference for that issue and  
6 related activity TomorrowNow undertook to address that issue. The actual development of  
7 customer-specific objects included in customer-specific fixes and updates was referenced to a  
8 “master bundle” or “master fix” record for identification and record keeping purposes. Thus, if  
9 this request seeks an admission related to each and every object related to each and every  
10 customer-specific fix or update that TomorrowNow developed, then this single request  
11 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
12 impermissibly seek regarding the large number of .DAT files contained within the 33,185 objects  
13 listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for Admissions to SAP AG,  
14 SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
15 request, Defendants would have to analyze each individual object in each fix or update contained  
16 within each master bundle. Defendants, therefore, object on the basis that this request is  
17 compound, overly broad and unduly burdensome because it seeks an admission regarding  
18 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
19 numerous employees, (3) took place over several years, and (4) would require Defendants to  
20 review enormous volumes of business records to attempt to determine an answer, if possible, for  
21 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
22 Defendants object to this request on the basis that Defendants’ burden associated with responding  
23 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
24 through this request, especially because the available documents, data and other information from  
25 which the answer, if any, could be derived in response to this request have been produced by  
26 Defendants in response to Plaintiffs’ other discovery requests and thus any relevant, available  
27 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and  
28 without waiving the foregoing objections and qualifications, Defendants respond as follows:

1 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
2 information Defendants currently know or can readily obtain, Defendants have insufficient  
3 information to admit or deny this request.

4 **REQUEST FOR ADMISSION NO. 670:**

5 Admit that for each Fix listed in Exhibit B which included a COBOL file, at least one  
6 COBOL file from one Local Environment was modified by SAP TN and Copied and delivered to  
7 more than one Customer as part of the Fix.

8 **RESPONSE TO REQUEST FOR ADMISSION NO. 670:**

9 Defendants object to this request on the grounds stated in the General Objections and  
10 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
11 respect to the information sought in this request because Defendants SAP AG and SAP America  
12 have no additional knowledge separate and apart from the information provided by Defendant  
13 TomorrowNow in this response. Defendants object to the request because the terms "modified,"  
14 "copied," "local environment," and "delivered" are subject to multiple meanings and, as such, are  
15 overly broad, vague, and ambiguous. Further, Exhibit B lists the names of master fixes as that  
16 term was used by TomorrowNow in the SAS database. The master fixes are not the actual  
17 objects that are developed for TomorrowNow customers. Master bundles and master fixes are  
18 records that simply identify problems for which TomorrowNow generally developed objects to  
19 resolve. The object development often took place at the release level, source level, and customer  
20 level. If this request is actually asking for information related to each and every COBOL file in  
21 these master fixes, this number is more in line with the large numbers of COBOL files listed  
22 amongst the 33,185 objects listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for  
23 Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this question,  
24 Defendants would have to analyze each individual COBOL file in each fix or update contained  
25 within each master fix. Defendants, therefore, object to this request as compound and unduly  
26 burdensome in that this request seeks information and activities that (1) involved many thousands  
27 of objects, (2) involved numerous employees, (3) took place over several years, and (4) would  
28 require Defendants to review substantial business records to determine an answer, if possible, for

1 each of the numerous numbers of COBOL files contained within the fixes and updates, and  
2 Defendants' burden in doing so would be substantially similar to the burden for Plaintiffs to do so  
3 given that the available information is at least as equally accessible to Plaintiffs as it is to  
4 Defendants.

5 Subject to the General Objections and Responses and these specific objections, after a  
6 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
7 sufficient knowledge and information to either admit or deny these requests, as the information  
8 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
9 manner." On this basis, therefore, these requests are DENIED.

10 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 670:**

11 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
12 General Objections noted above. Defendants' response is based solely on Defendant  
13 TomorrowNow's knowledge with respect to the information sought in this request because  
14 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
15 information provided by Defendant TomorrowNow in this response. Defendants object to the  
16 request because the terms "fix," "modified," "copied," "local environment," and "delivered" are  
17 capable of multiple meanings and thus, make this request overly broad, vague and ambiguous.  
18 Further, Exhibit B lists the names of "master fixes" as that phrase was used by TomorrowNow in  
19 the SAS database. TomorrowNow's "master fixes" are not the actual objects included in fixes or  
20 updates that are developed for TomorrowNow's customers. "Master fixes" and "master bundles"  
21 are records that describe the issue to be addressed and then serve as a record keeping device and  
22 reference for that issue and related activity TomorrowNow undertook to address that issue. The  
23 actual development of customer-specific objects included in customer-specific fixes and updates  
24 was referenced to a "master bundle" or "master fix" record for identification and record keeping  
25 purposes. Thus, if this request seeks an admission related to each and every object related to each  
26 and every customer-specific fix or update that TomorrowNow developed, then this single request  
27 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
28 impermissibly seek regarding the large number of COBOL files contained within the 33,185

1 objects listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP  
2 AG, SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
3 request, Defendants would have to analyze each individual object in each fix or update contained  
4 within each master bundle. Defendants, therefore, object on the basis that this request is  
5 compound, overly broad and unduly burdensome because it seeks an admission regarding  
6 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
7 numerous employees, (3) took place over several years, and (4) would require Defendants to  
8 review enormous volumes of business records to attempt to determine an answer, if possible, for  
9 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
10 Defendants object to this request on the basis that Defendants' burden associated with responding  
11 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
12 through this request, especially because the available documents, data and other information from  
13 which the answer, if any, could be derived in response to this request have been produced by  
14 Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available  
15 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and  
16 without waiving the foregoing objections and qualifications, Defendants respond as follows:

17 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
18 information Defendants currently know or can readily obtain, Defendants have insufficient  
19 information to admit or deny this request.

20 **REQUEST FOR ADMISSION NO. 671:**

21 Admit that for each Fix listed in Exhibit B which included an SQR file, at least one SQR  
22 file from one Local Environment was modified by SAP TN and Copied and delivered to more  
23 than one Customer as part of the Fix.

24 **RESPONSE TO REQUEST FOR ADMISSION NO. 671:**

25 Defendants object to this request on the grounds stated in the General Objections and  
26 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
27 respect to the information sought in this request because Defendants SAP AG and SAP America  
28 have no additional knowledge separate and apart from the information provided by Defendant

1 TomorrowNow in this response. Defendants object to the request because the terms “modified,”  
2 “copied,” “local environment,” and “delivered” are subject to multiple meanings and, as such, are  
3 overly broad, vague, and ambiguous. Further, Exhibit B lists the names of master fixes as that  
4 term was used by TomorrowNow in the SAS database. The master fixes are not the actual  
5 objects that are developed for TomorrowNow customers. Master bundles and master fixes are  
6 records that simply identify problems for which TomorrowNow generally developed objects to  
7 resolve. The object development often took place at the release level, source level, and customer  
8 level. If this request is actually asking for information related to each and every SQR file in these  
9 master fixes, this number is more in line with the large numbers of SQR files listed amongst the  
10 33,185 objects listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for Admissions  
11 to SAP AG, SAP America, and TomorrowNow. To respond to this question, Defendants would  
12 have to analyze each individual SQR file in each fix or update contained within each master fix.  
13 Defendants, therefore, object to this request as compound and unduly burdensome in that this  
14 request seeks information and activities that (1) involved many thousands of objects, (2) involved  
15 numerous employees, (3) took place over several years, and (4) would require Defendants to  
16 review substantial business records to determine an answer, if possible, for each of the numerous  
17 numbers of SQR files contained within the fixes and updates, and Defendants’ burden in doing so  
18 would be substantially similar to the burden for Plaintiffs to do so given that the available  
19 information is at least as equally accessible to Plaintiffs as it is to Defendants.

20 Subject to the General Objections and Responses and these specific objections, after a  
21 reasonable inquiry and based on Defendants’ understanding of these questions, Defendants lack  
22 sufficient knowledge and information to either admit or deny these requests, as the information  
23 sought was not tracked, recorded, or maintained by TomorrowNow in a “readily obtainable  
24 manner.” On this basis, therefore, these requests are DENIED.

25 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 671:**

26 Defendants incorporate by reference, as if fully set forth herein, all of Defendants’  
27 General Objections noted above. Defendants’ response is based solely on Defendant  
28 TomorrowNow’s knowledge with respect to the information sought in this request because

1 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
2 information provided by Defendant TomorrowNow in this response. Defendants object to the  
3 request because the terms “fix,” “modified,” “copied,” “local environment,” and “delivered” are  
4 capable of multiple meanings and thus, make this request overly broad, vague and ambiguous.  
5 Further, Exhibit B lists the names of “master fixes” as that phrase was used by TomorrowNow in  
6 the SAS database. TomorrowNow’s “master fixes” are not the actual objects included in fixes or  
7 updates that are developed for TomorrowNow’s customers. “Master fixes” and “master bundles”  
8 are records that describe the issue to be addressed and then serve as a record keeping device and  
9 reference for that issue and related activity TomorrowNow undertook to address that issue. The  
10 actual development of customer-specific objects included in customer-specific fixes and updates  
11 was referenced to a “master bundle” or “master fix” record for identification and record keeping  
12 purposes. Thus, if this request seeks an admission related to each and every object related to each  
13 and every customer-specific fix or update that TomorrowNow developed, then this single request  
14 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
15 impermissibly seek regarding the large number of .SQR files contained within the 33,185 objects  
16 listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for Admissions to SAP AG,  
17 SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
18 request, Defendants would have to analyze each individual object in each fix or update contained  
19 within each master bundle. Defendants, therefore, object on the basis that this request is  
20 compound, overly broad and unduly burdensome because it seeks an admission regarding  
21 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
22 numerous employees, (3) took place over several years, and (4) would require Defendants to  
23 review enormous volumes of business records to attempt to determine an answer, if possible, for  
24 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
25 Defendants object to this request on the basis that Defendants’ burden associated with responding  
26 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
27 through this request, especially because the available documents, data and other information from  
28 which the answer, if any, could be derived in response to this request have been produced by

1 Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available  
2 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and  
3 without waiving the foregoing objections and qualifications, Defendants respond as follows:

4 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
5 information Defendants currently know or can readily obtain, Defendants have insufficient  
6 information to admit or deny this request.

7 **REQUEST FOR ADMISSION NO. 672:**

8 Admit that for each Fix listed in Exhibit B which included an Online Object, at least one  
9 Online Object from one Local Environment was modified by SAP TN and Copied and delivered  
10 to more than one Customer as part of the Fix.

11 **RESPONSE TO REQUEST FOR ADMISSION NO. 672:**

12 Defendants object to this request on the grounds stated in the General Objections and  
13 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
14 respect to the information sought in this request because Defendants SAP AG and SAP America  
15 have no additional knowledge separate and apart from the information provided by Defendant  
16 TomorrowNow in this response. Defendants object to the request because the terms "modified,"  
17 "copied," "delivered," and "local environment" are subject to multiple meanings and, as such, are  
18 overly broad, vague, and ambiguous. Further, Exhibit B lists the names of master fixes as that  
19 term was used by TomorrowNow in the SAS database. The master fixes are not the actual  
20 objects that are developed for TomorrowNow customers. Master bundles and master fixes are  
21 records that simply identify problems for which TomorrowNow generally developed objects to  
22 resolve. The object development often took place at the release level, source level, and customer  
23 level. If this request is actually asking for information related to each and every online object  
24 included as part of a master fix, Defendants would have to analyze each individual fix or update  
25 contained within each master fix. Defendants, therefore, object to this request as compound and  
26 unduly burdensome in that this request seeks information and activities that (1) involved many  
27 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
28 would require Defendants to review substantial business records to determine an answer, if

1 possible, for each of the numerous numbers objects contained within the fixes and updates, and  
2 Defendants' burden in doing so would be substantially similar to the burden for Plaintiffs to do so  
3 given that the available information is at least as equally accessible to Plaintiffs as it is to  
4 Defendants.

5 Subject to the General Objections and Responses and these specific objections, after a  
6 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
7 sufficient knowledge and information to either admit or deny these requests, as the information  
8 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
9 manner." On this basis, therefore, these requests are DENIED.

10 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 672:**

11 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
12 General Objections noted above. Defendants' response is based solely on Defendant  
13 TomorrowNow's knowledge with respect to the information sought in this request because  
14 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
15 information provided by Defendant TomorrowNow in this response. Defendants object to the  
16 request because the terms "fix," "modified," "copied," "local environment," and "delivered" are  
17 capable of multiple meanings and thus, make this request overly broad, vague and ambiguous.  
18 Further, Exhibit B lists the names of "master fixes" as that phrase was used by TomorrowNow in  
19 the SAS database. TomorrowNow's "master fixes" are not the actual objects included in fixes or  
20 updates that are developed for TomorrowNow's customers. "Master fixes" and "master bundles"  
21 are records that describe the issue to be addressed and then serve as a record keeping device and  
22 reference for that issue and related activity TomorrowNow undertook to address that issue. The  
23 actual development of customer-specific objects included in customer-specific fixes and updates  
24 was referenced to a "master bundle" or "master fix" record for identification and record keeping  
25 purposes. Thus, if this request seeks an admission related to each and every object related to each  
26 and every customer-specific fix or update that TomorrowNow developed, then this single request  
27 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
28 impermissibly seek regarding the large number of online objects contained within the 33,185



1 objects listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP  
2 AG, SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
3 request, Defendants would have to analyze each individual object in each fix or update contained  
4 within each master bundle. Defendants, therefore, object on the basis that this request is  
5 compound, overly broad and unduly burdensome because it seeks an admission regarding  
6 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
7 numerous employees, (3) took place over several years, and (4) would require Defendants to  
8 review enormous volumes of business records to attempt to determine an answer, if possible, for  
9 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
10 Defendants object to this request on the basis that Defendants' burden associated with responding  
11 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
12 through this request, especially because the available documents, data and other information from  
13 which the answer, if any, could be derived in response to this request have been produced by  
14 Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available  
15 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and  
16 without waiving the foregoing objections and qualifications, Defendants respond as follows:

17 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
18 information Defendants currently know or can readily obtain, Defendants have insufficient  
19 information to admit or deny this request.

20 **REQUEST FOR ADMISSION NO. 673:**

21 Admit that for each Fix listed in Exhibit B which included a DAT file, TN tested at least  
22 one DAT file in one Local Environment and then delivered Copies of that same DAT file to more  
23 than one Customer without additionally testing them in the Local Environments of each such  
24 Customer.

25 **RESPONSE TO REQUEST FOR ADMISSION NO. 673:**

26 Defendants object to this request on the grounds stated in the General Objections and  
27 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
28 respect to the information sought in this request because Defendants SAP AG and SAP America

1 have no additional knowledge separate and apart from the information provided by Defendant  
2 TomorrowNow in this response. Defendants object to the request because the terms  
3 “tested/testing,” “copies,” “local environment,” and “delivered” are subject to multiple meanings  
4 and, as such, are overly broad, vague, and ambiguous. Defendants object to the phrase “without  
5 additionally testing them in the local environments of each such customer” as being subject to  
6 multiple meanings and, as such, being vague and ambiguous. Further, Exhibit B lists the names  
7 of master fixes as that term was used by TomorrowNow in the SAS database. The master fixes  
8 are not the actual objects that are developed for TomorrowNow customers. Master bundles and  
9 master fixes are records that simply identify problems for which TomorrowNow generally  
10 developed objects to resolve. The object development often took place at the release level,  
11 source level, and customer level. If this request is actually asking for information related to each  
12 and every DAT file in these master fixes, this number is more in line with the large numbers of  
13 DAT files listed amongst the 33,185 objects listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set  
14 of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this  
15 question, Defendants would have to analyze each individual DAT file in each fix or update  
16 contained within each master fix. Defendants, therefore, object to this request as compound and  
17 unduly burdensome in that this request seeks information and activities that (1) involved many  
18 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
19 would require Defendants to review substantial business records to determine an answer, if  
20 possible, for each of the numerous numbers of DAT files contained within the fixes and updates,  
21 and Defendants’ burden in doing so would be substantially similar to the burden for Plaintiffs to  
22 do so given that the available information is at least as equally accessible to Plaintiffs as it is to  
23 Defendants.

24 Subject to the General Objections and Responses and these specific objections, after a  
25 reasonable inquiry and based on Defendants’ understanding of these questions, Defendants lack  
26 sufficient knowledge and information to either admit or deny these requests, as the information  
27 sought was not tracked, recorded, or maintained by TomorrowNow in a “readily obtainable  
28 manner.” On this basis, therefore, these requests are DENIED.

**AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 673:**

Defendants incorporate by reference, as if fully set forth herein, all of Defendants' General Objections noted above. Defendants' response is based solely on Defendant TomorrowNow's knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant TomorrowNow in this response. Defendants object to the request because the terms "fix," "tested/testing," "copies," "local environment," and "delivered" are capable of multiple meanings and thus, make this request overly broad, vague and ambiguous. Defendants object to the phrase "without additionally testing them in the local environments of each such customer" as being subject to multiple meanings and, as such, being vague and ambiguous. Further, Exhibit B lists the names of "master fixes" as that phrase was used by TomorrowNow in the SAS database. TomorrowNow's "master fixes" are not the actual objects included in fixes or updates that are developed for TomorrowNow's customers. "Master fixes" and "master bundles" are records that describe the issue to be addressed and then serve as a record keeping device and reference for that issue and related activity TomorrowNow undertook to address that issue. The actual development of customer-specific objects included in customer-specific fixes and updates was referenced to a "master bundle" or "master fix" record for identification and record keeping purposes. Thus, if this request seeks an admission related to each and every object related to each and every customer-specific fix or update that TomorrowNow developed, then this single request impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs impermissibly seek regarding the large number of .DAT files contained within the 33,185 objects listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this request, Defendants would have to analyze each individual object in each fix or update contained within each master bundle. Defendants, therefore, object on the basis that this request is compound, overly broad and unduly burdensome because it seeks an admission regarding thousands of separate activities that (1) involved many thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)

1 would require Defendants to review enormous volumes of business records to attempt to  
2 determine an answer, if possible, for each of the numerous objects contained within the  
3 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
4 Defendants' burden associated with responding to this request is substantially similar to the  
5 burden for Plaintiffs to obtain the information sought through this request, especially because the  
6 available documents, data and other information from which the answer, if any, could be derived  
7 in response to this request have been produced by Defendants in response to Plaintiffs' other  
8 discovery requests and thus any relevant, available information is now as equally accessible to  
9 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
10 qualifications, Defendants respond as follows:

11 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
12 information Defendants currently know or can readily obtain, Defendants have insufficient  
13 information to admit or deny this request.

14 **REQUEST FOR ADMISSION NO. 674:**

15 Admit that for each Fix listed in Exhibit B which included a COBOL file, TN tested at  
16 least one COBOL file in one Local Environment and then delivered Copies of that same COBOL  
17 file to more than one Customer without additionally testing them in the Local Environments of  
18 each such Customer.

19 **RESPONSE TO REQUEST FOR ADMISSION NO. 674:**

20 Defendants object to this request on the grounds stated in the General Objections and  
21 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
22 respect to the information sought in this request because Defendants SAP AG and SAP America  
23 have no additional knowledge separate and apart from the information provided by Defendant  
24 TomorrowNow in this response. Defendants object to the request because the terms  
25 "tested/testing," "copies," "local environment," and "delivered" are subject to multiple meanings  
26 and, as such, are overly broad, vague, and ambiguous. Defendants object to the phrase "without  
27 additionally testing them in the local environments of each such customer" as being subject to  
28 multiple meanings and, as such, being vague and ambiguous. Further, Exhibit B lists the names

1 of master fixes as that term was used by TomorrowNow in the SAS database. The master fixes  
2 are not the actual objects that are developed for TomorrowNow customers. Master bundles and  
3 master fixes are records that simply identify problems for which TomorrowNow generally  
4 developed objects to resolve. The object development often took place at the release level,  
5 source level, and customer level. If this request is actually asking for information related to each  
6 and every COBOL file in these master fixes, this number is more in line with the large numbers  
7 of COBOL files listed amongst the 33,185 objects listed in Plaintiffs' Exhibit D to Plaintiffs'  
8 Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To  
9 respond to this question, Defendants would have to analyze each individual COBOL file in each  
10 fix or update contained within each master fix. Defendants, therefore, object to this request as  
11 compound and unduly burdensome in that this request seeks information and activities that (1)  
12 involved many thousands of objects, (2) involved numerous employees, (3) took place over  
13 several years, and (4) would require Defendants to review substantial business records to  
14 determine an answer, if possible, for each of the numerous numbers of COBOL files contained  
15 within the fixes and updates, and Defendants' burden in doing so would be substantially similar  
16 to the burden for Plaintiffs to do so given that the available information is at least as equally  
17 accessible to Plaintiffs as it is to Defendants.

18 Subject to the General Objections and Responses and these specific objections, after a  
19 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
20 sufficient knowledge and information to either admit or deny these requests, as the information  
21 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
22 manner." On this basis, therefore, these requests are DENIED.

23 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 674:**

24 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
25 General Objections noted above. Defendants' response is based solely on Defendant  
26 TomorrowNow's knowledge with respect to the information sought in this request because  
27 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
28 information provided by Defendant TomorrowNow in this response. Defendants object to the

1 request because the terms “fix,” “tested/testing,” “copies,” “local environment,” and “delivered”  
2 are capable of multiple meanings and thus, make this request overly broad, vague and ambiguous.  
3 Defendants object to the phrase “without additionally testing them in the local environments of  
4 each such customer” as being subject to multiple meanings and, as such, being vague and  
5 ambiguous. Further, Exhibit B lists the names of “master fixes” as that phrase was used by  
6 TomorrowNow in the SAS database. TomorrowNow’s “master fixes” are not the actual objects  
7 included in fixes or updates that are developed for TomorrowNow’s customers. “Master fixes”  
8 and “master bundles” are records that describe the issue to be addressed and then serve as a  
9 record keeping device and reference for that issue and related activity TomorrowNow undertook  
10 to address that issue. The actual development of customer-specific objects included in customer-  
11 specific fixes and updates was referenced to a “master bundle” or “master fix” record for  
12 identification and record keeping purposes. Thus, if this request seeks an admission related to  
13 each and every object related to each and every customer-specific fix or update that  
14 TomorrowNow developed, then this single request impermissibly seeks literally thousands of  
15 admissions similar to the admissions Plaintiffs impermissibly seek regarding the large number of  
16 COBOL files contained within the 33,185 objects listed in Plaintiffs’ Exhibit D to Plaintiffs’  
17 Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is  
18 the intent of this request, then to respond to this request, Defendants would have to analyze each  
19 individual object in each fix or update contained within each master bundle. Defendants,  
20 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
21 because it seeks an admission regarding thousands of separate activities that (1) involved many  
22 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
23 would require Defendants to review enormous volumes of business records to attempt to  
24 determine an answer, if possible, for each of the numerous objects contained within the  
25 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
26 Defendants’ burden associated with responding to this request is substantially similar to the  
27 burden for Plaintiffs to obtain the information sought through this request, especially because the  
28 available documents, data and other information from which the answer, if any, could be derived

1 in response to this request have been produced by Defendants in response to Plaintiffs' other  
2 discovery requests and thus any relevant, available information is now as equally accessible to  
3 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
4 qualifications, Defendants respond as follows:

5 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
6 information Defendants currently know or can readily obtain, Defendants have insufficient  
7 information to admit or deny this request.

8 **REQUEST FOR ADMISSION NO. 675:**

9 Admit that for each Fix listed in Exhibit B which included an SQR file, TN tested at least  
10 one SQR file in one Local Environment and then delivered Copies of that same SQR file to more  
11 than one Customer without additionally testing them in the Local Environments of each such  
12 Customer.

13 **RESPONSE TO REQUEST FOR ADMISSION NO. 675:**

14 Defendants object to this request on the grounds stated in the General Objections and  
15 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
16 respect to the information sought in this request because Defendants SAP AG and SAP America  
17 have no additional knowledge separate and apart from the information provided by Defendant  
18 TomorrowNow in this response. Defendants object to the request because the terms  
19 "tested/testing," "copies," "local environment," and "delivered" are subject to multiple meanings  
20 and, as such, are overly broad, vague, and ambiguous. Defendants object to the phrase "without  
21 additionally testing them in the local environments of each such customer" as being subject to  
22 multiple meanings and, as such, being vague and ambiguous. Further, Exhibit B lists the names  
23 of master fixes as that term was used by TomorrowNow in the SAS database. The master fixes  
24 are not the actual objects that are developed for TomorrowNow customers. Master bundles and  
25 master fixes are records that simply identify problems for which TomorrowNow generally  
26 developed objects to resolve. The object development often took place at the release level,  
27 source level, and customer level. If this request is actually asking for information related to each  
28 and every SQR file in these master fixes, this number is more in line with the large numbers of

1 SQR files listed amongst the 33,185 objects listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set  
2 of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this  
3 question, Defendants would have to analyze each individual SQR file in each fix or update  
4 contained within each master fix. Defendants, therefore, object to this request as compound and  
5 unduly burdensome in that this request seeks information and activities that (1) involved many  
6 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
7 would require Defendants to review substantial business records to determine an answer, if  
8 possible, for each of the numerous numbers of SQR files contained within the fixes and updates,  
9 and Defendants' burden in doing so would be substantially similar to the burden for Plaintiffs to  
10 do so given that the available information is at least as equally accessible to Plaintiffs as it is to  
11 Defendants.

12 Subject to the General Objections and Responses and these specific objections, after a  
13 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
14 sufficient knowledge and information to either admit or deny these requests, as the information  
15 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
16 manner." On this basis, therefore, these requests are DENIED.

17 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 675:**

18 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
19 General Objections noted above. Defendants' response is based solely on Defendant  
20 TomorrowNow's knowledge with respect to the information sought in this request because  
21 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
22 information provided by Defendant TomorrowNow in this response. Defendants object to the  
23 request because the terms "fix," "tested/testing," "copies," "local environment," and "delivered"  
24 are capable of multiple meanings and thus, make this request overly broad, vague and ambiguous.  
25 Defendants object to the phrase "without additionally testing them in the local environments of  
26 each such customer" as being subject to multiple meanings and, as such, being vague and  
27 ambiguous. Further, Exhibit B lists the names of "master fixes" as that phrase was used by  
28 TomorrowNow in the SAS database. TomorrowNow's "master fixes" are not the actual objects



1 included in fixes or updates that are developed for TomorrowNow's customers. "Master fixes"  
2 and "master bundles" are records that describe the issue to be addressed and then serve as a  
3 record keeping device and reference for that issue and related activity TomorrowNow undertook  
4 to address that issue. The actual development of customer-specific objects included in customer-  
5 specific fixes and updates was referenced to a "master bundle" or "master fix" record for  
6 identification and record keeping purposes. Thus, if this request seeks an admission related to  
7 each and every object related to each and every customer-specific fix or update that  
8 TomorrowNow developed, then this single request impermissibly seeks literally thousands of  
9 admissions similar to the admissions Plaintiffs impermissibly seek regarding the large number  
10 of .SQR files contained within the 33,185 objects listed in Plaintiffs' Exhibit D to Plaintiffs'  
11 Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is  
12 the intent of this request, then to respond to this request, Defendants would have to analyze each  
13 individual object in each fix or update contained within each master bundle. Defendants,  
14 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
15 because it seeks an admission regarding thousands of separate activities that (1) involved many  
16 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
17 would require Defendants to review enormous volumes of business records to attempt to  
18 determine an answer, if possible, for each of the numerous objects contained within the  
19 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
20 Defendants' burden associated with responding to this request is substantially similar to the  
21 burden for Plaintiffs to obtain the information sought through this request, especially because the  
22 available documents, data and other information from which the answer, if any, could be derived  
23 in response to this request have been produced by Defendants in response to Plaintiffs' other  
24 discovery requests and thus any relevant, available information is now as equally accessible to  
25 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
26 qualifications, Defendants respond as follows:

27 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
28 information Defendants currently know or can readily obtain, Defendants have insufficient

1 information to admit or deny this request.

2 **REQUEST FOR ADMISSION NO. 676:**

3 Admit that for each Fix listed in Exhibit B which included an Online Object, TN tested at  
4 least one Online Object in one Local Environment and then delivered Copies of that same Online  
5 Object to more than one Customer without additionally testing them in the Local Environments of  
6 each such Customer.

7 **RESPONSE TO REQUEST FOR ADMISSION NO. 676:**

8 Defendants object to this request on the grounds stated in the General Objections and  
9 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
10 respect to the information sought in this request because Defendants SAP AG and SAP America  
11 have no additional knowledge separate and apart from the information provided by Defendant  
12 TomorrowNow in this response. Defendants object to the request because the terms  
13 "tested/testing," "copies," "local environment," and "delivered" are subject to multiple meanings  
14 and, as such, are overly broad, vague, and ambiguous. Defendants object to the phrase "without  
15 additionally testing them in the local environments of each such customer" as being subject to  
16 multiple meanings and, as such, being vague and ambiguous. Further, Exhibit B lists the names  
17 of master fixes as that term was used by TomorrowNow in the SAS database. The master fixes  
18 are not the actual objects that are developed for TomorrowNow customers. Master bundles and  
19 master fixes are records that simply identify problems for which TomorrowNow generally  
20 developed objects to resolve. The object development often took place at the release level,  
21 source level, and customer level. If this request is actually asking for information related to each  
22 and every online object included as part of a master fix, Defendants would have to analyze each  
23 individual fix or update contained within each master fix. Defendants, therefore, object to this  
24 request as compound and unduly burdensome in that this request seeks information and activities  
25 that (1) involved many thousands of objects, (2) involved numerous employees, (3) took place  
26 over several years, and (4) would require Defendants to review substantial business records to  
27 determine an answer, if possible, for each of the numerous numbers objects contained within the  
28 fixes and updates, and Defendants' burden in doing so would be substantially similar to the

1 burden for Plaintiffs to do so given that the available information is at least as equally accessible  
2 to Plaintiffs as it is to Defendants.

3 Subject to the General Objections and Responses and these specific objections, after a  
4 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
5 sufficient knowledge and information to either admit or deny these requests, as the information  
6 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
7 manner." On this basis, therefore, these requests are DENIED.

8 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 676:**

9 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
10 General Objections noted above. Defendants' response is based solely on Defendant  
11 TomorrowNow's knowledge with respect to the information sought in this request because  
12 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
13 information provided by Defendant TomorrowNow in this response. Defendants object to the  
14 request because the terms "fix," "tested/testing," "copies," "local environment," and "delivered"  
15 are capable of multiple meanings and thus, make this request overly broad, vague and ambiguous.  
16 Defendants object to the phrase "without additionally testing them in the local environments of  
17 each such customer" as being subject to multiple meanings and, as such, being vague and  
18 ambiguous. Further, Exhibit B lists the names of "master fixes" as that phrase was used by  
19 TomorrowNow in the SAS database. TomorrowNow's "master fixes" are not the actual objects  
20 included in fixes or updates that are developed for TomorrowNow's customers. "Master fixes"  
21 and "master bundles" are records that describe the issue to be addressed and then serve as a  
22 record keeping device and reference for that issue and related activity TomorrowNow undertook  
23 to address that issue. The actual development of customer-specific objects included in customer-  
24 specific fixes and updates was referenced to a "master bundle" or "master fix" record for  
25 identification and record keeping purposes. Thus, if this request seeks an admission related to  
26 each and every object related to each and every customer-specific fix or update that  
27 TomorrowNow developed, then this single request impermissibly seeks literally thousands of  
28 admissions similar to the admissions Plaintiffs impermissibly seek regarding the large number of

1 online objects contained within the 33,185 objects listed in Plaintiffs' Exhibit D to Plaintiffs'  
2 Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is  
3 the intent of this request, then to respond to this request, Defendants would have to analyze each  
4 individual object in each fix or update contained within each master bundle. Defendants,  
5 therefore, object on the basis that this request is compound, overly broad and unduly burdensome  
6 because it seeks an admission regarding thousands of separate activities that (1) involved many  
7 thousands of objects, (2) involved numerous employees, (3) took place over several years, and (4)  
8 would require Defendants to review enormous volumes of business records to attempt to  
9 determine an answer, if possible, for each of the numerous objects contained within the  
10 referenced fixes and updates. Moreover, Defendants object to this request on the basis that  
11 Defendants' burden associated with responding to this request is substantially similar to the  
12 burden for Plaintiffs to obtain the information sought through this request, especially because the  
13 available documents, data and other information from which the answer, if any, could be derived  
14 in response to this request have been produced by Defendants in response to Plaintiffs' other  
15 discovery requests and thus any relevant, available information is now as equally accessible to  
16 Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and  
17 qualifications, Defendants respond as follows:

18 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
19 information Defendants currently know or can readily obtain, Defendants have insufficient  
20 information to admit or deny this request.

21 **REQUEST FOR ADMISSION NO. 677:**

22 Admit that SAP TN used Araxis Merge to compare code in at least two Local  
23 Environments installed from media originally provided by at least two different Customers as part  
24 of Developing at least one Fix Object delivered to a Customer as part of each Fix listed in Exhibit  
25 B.

26 **RESPONSE TO REQUEST FOR ADMISSION NO. 677:**

27 Defendants object to this request on the grounds stated in the General Objections and  
28 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with

1 respect to the information sought in this request because Defendants SAP AG and SAP America  
2 have no additional knowledge separate and apart from the information provided by Defendant  
3 TomorrowNow in this response. Defendants object to the request because the terms “used,”  
4 “compare,” “code,” “local environments,” “developing,” and “delivered” are subject to multiple  
5 meanings and, as such, are overly broad, vague, and ambiguous. Defendants object to the phrase  
6 “to compare code in at least two local environments installed from media originally provided by  
7 at least two different customers” as being subject to multiple meanings and, as such, being vague  
8 and ambiguous. Defendants further object to the term “Fix Object” as overly broad, vague, and  
9 inaccurate to the extent it includes the phrase “discrete unit of code.” Defendants respond as if  
10 the undefined term “object” was used in “Fix Object’s” place. Further, Exhibit B lists the names  
11 of master fixes as that term was used by TomorrowNow in the SAS database. The master fixes  
12 are not the actual objects that are developed for TomorrowNow customers. Master bundles and  
13 master fixes are records that simply identify problems for which TomorrowNow generally  
14 developed objects to resolve. The object development often took place at the release level,  
15 source level, and customer level. If this request is actually asking for information related to each  
16 and every object TomorrowNow developed, this number is more in line with the 33,185 listed in  
17 Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for Admissions to SAP AG, SAP  
18 America, and TomorrowNow. To respond to this question, Defendants would have to analyze  
19 each individual object in each fix or update contained within each master bundle. Defendants,  
20 therefore, object to this request as compound and unduly burdensome in that this request seeks  
21 information and activities that (1) involved many thousands of objects, (2) involved numerous  
22 employees, (3) took place over several years, and (4) would require Defendants to review  
23 substantial business records to determine an answer, if possible, for each of the numerous  
24 numbers of objects contained within the fixes and updates, and Defendants’ burden in doing so  
25 would be substantially similar to the burden for Plaintiffs to do so given that the available  
26 information is at least as equally accessible to Plaintiffs as it is to Defendants.

27 Subject to the General Objections and Responses and these specific objections, after a  
28 reasonable inquiry and based on Defendants’ understanding of these questions, Defendants lack

1 sufficient knowledge and information to either admit or deny these requests, as the information  
2 sought was not tracked, recorded, or maintained by TomorrowNow in a “readily obtainable  
3 manner.” On this basis, therefore, these requests are DENIED.

4 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 677:**

5 Defendants incorporate by reference, as if fully set forth herein, all of Defendants’  
6 General Objections noted above. Defendants’ response is based solely on Defendant  
7 TomorrowNow’s knowledge with respect to the information sought in this request because  
8 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
9 information provided by Defendant TomorrowNow in this response. Defendants object to the  
10 request because the terms “fix,” “used,” “compare,” “code,” “local environments,” “developing,”  
11 and “delivered” are capable of multiple meanings and thus, make this request overly broad, vague  
12 and ambiguous. Defendants object to the phrase “to compare code in at least two local  
13 environments installed from media originally provided by at least two different customers” as  
14 being subject to multiple meanings and, as such, being vague and ambiguous. Further, Exhibit B  
15 lists the names of “master fixes” as that phrase was used by TomorrowNow in the SAS database.  
16 TomorrowNow’s “master fixes” are not the actual objects included in fixes or updates that are  
17 developed for TomorrowNow’s customers. “Master fixes” and “master bundles” are records that  
18 describe the issue to be addressed and then serve as a record keeping device and reference for that  
19 issue and related activity TomorrowNow undertook to address that issue. The actual  
20 development of customer-specific objects included in customer-specific fixes and updates was  
21 referenced to a “master bundle” or “master fix” record for identification and record keeping  
22 purposes. Thus, if this request seeks an admission related to each and every object related to each  
23 and every customer-specific fix or update that TomorrowNow developed, then this single request  
24 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
25 impermissibly seek regarding the large number of objects contained within the 33,185 objects  
26 listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for Admissions to SAP AG,  
27 SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
28 request, Defendants would have to analyze each individual object in each fix or update contained

1 within each master bundle. Defendants, therefore, object on the basis that this request is  
2 compound, overly broad and unduly burdensome because it seeks an admission regarding  
3 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
4 numerous employees, (3) took place over several years, and (4) would require Defendants to  
5 review enormous volumes of business records to attempt to determine an answer, if possible, for  
6 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
7 Defendants object to this request on the basis that Defendants' burden associated with responding  
8 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
9 through this request, especially because the available documents, data and other information from  
10 which the answer, if any, could be derived in response to this request have been produced by  
11 Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available  
12 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and  
13 without waiving the foregoing objections and qualifications, Defendants respond as follows:

14 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
15 information Defendants currently know or can readily obtain, Defendants have insufficient  
16 information to admit or deny this request.

17 **REQUEST FOR ADMISSION NO. 678:**

18 Admit that SAP TN used Araxis Merge to compare code in at least two Local  
19 Environments installed from media originally provided by at least two different Customers as part  
20 of testing at least one Fix Object delivered to a Customer as part of each Fix listed in Exhibit B.

21 **RESPONSE TO REQUEST FOR ADMISSION NO. 678:**

22 Defendants object to this request on the grounds stated in the General Objections and  
23 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
24 respect to the information sought in this request because Defendants SAP AG and SAP America  
25 have no additional knowledge separate and apart from the information provided by Defendant  
26 TomorrowNow in this response. Defendants object to the request because the terms "used,"  
27 "compare," "code," "local environments," "testing," and "delivered" are subject to multiple  
28 meanings and, as such, are overly broad, vague, and ambiguous. Defendants further object to the

1 term “Fix Object” as overly broad, vague, and inaccurate to the extent it includes the phrase  
2 “discrete unit of code.” Defendants respond as if the undefined term “object” was used in “Fix  
3 Object’s” place. Further, Exhibit B lists the names of master fixes as that term was used by  
4 TomorrowNow in the SAS database. The master fixes are not the actual objects that are  
5 developed for TomorrowNow customers. Master bundles and master fixes are records that  
6 simply identify problems for which TomorrowNow generally developed objects to resolve. The  
7 object development often took place at the release level, source level, and customer level. If this  
8 request is actually asking for information related to each and every object TomorrowNow  
9 developed, this number is more in line with the 33,185 listed in Plaintiffs’ Exhibit D to Plaintiffs’  
10 Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To  
11 respond to this question, Defendants would have to analyze each individual object in each fix or  
12 update contained within each master bundle. Defendants, therefore, object to this request as  
13 compound and unduly burdensome in that this request seeks information and activities that (1)  
14 involved many thousands of objects, (2) involved numerous employees, (3) took place over  
15 several years, and (4) would require Defendants to review substantial business records to  
16 determine an answer, if possible, for each of the numerous numbers of objects contained within  
17 the fixes and updates, and Defendants’ burden in doing so would be substantially similar to the  
18 burden for Plaintiffs to do so given that the available information is at least as equally accessible  
19 to Plaintiffs as it is to Defendants.

20 Subject to the General Objections and Responses and these specific objections, after a  
21 reasonable inquiry and based on Defendants’ understanding of these questions, Defendants lack  
22 sufficient knowledge and information to either admit or deny these requests, as the information  
23 sought was not tracked, recorded, or maintained by TomorrowNow in a “readily obtainable  
24 manner.” On this basis, therefore, these requests are DENIED.

25 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 678:**

26 Defendants incorporate by reference, as if fully set forth herein, all of Defendants’  
27 General Objections noted above. Defendants’ response is based solely on Defendant  
28 TomorrowNow’s knowledge with respect to the information sought in this request because



1 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
2 information provided by Defendant TomorrowNow in this response. Defendants object to the  
3 request because the terms “fix,” “used,” “compare,” “code,” “local environments,” “testing,” and  
4 “delivered” are capable of multiple meanings and thus, make this request overly broad, vague and  
5 ambiguous. Defendants object to the phrase “to compare code in at least two local environments  
6 installed from media originally provided by at least two different customers” as being subject to  
7 multiple meanings and, as such, being vague and ambiguous. Further, Exhibit B lists the names  
8 of “master fixes” as that phrase was used by TomorrowNow in the SAS database.

9 TomorrowNow’s “master fixes” are not the actual objects included in fixes or updates that are  
10 developed for TomorrowNow’s customers. “Master fixes” and “master bundles” are records that  
11 describe the issue to be addressed and then serve as a record keeping device and reference for that  
12 issue and related activity TomorrowNow undertook to address that issue. The actual  
13 development of customer-specific objects included in customer-specific fixes and updates was  
14 referenced to a “master bundle” or “master fix” record for identification and record keeping  
15 purposes. Thus, if this request seeks an admission related to each and every object related to each  
16 and every customer-specific fix or update that TomorrowNow developed, then this single request  
17 impermissibly seeks literally thousands of admissions similar to the admissions Plaintiffs  
18 impermissibly seek regarding the large number of objects contained within the 33,185 objects  
19 listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set of Requests for Admissions to SAP AG,  
20 SAP America, and TomorrowNow. If that is the intent of this request, then to respond to this  
21 request, Defendants would have to analyze each individual object in each fix or update contained  
22 within each master bundle. Defendants, therefore, object on the basis that this request is  
23 compound, overly broad and unduly burdensome because it seeks an admission regarding  
24 thousands of separate activities that (1) involved many thousands of objects, (2) involved  
25 numerous employees, (3) took place over several years, and (4) would require Defendants to  
26 review enormous volumes of business records to attempt to determine an answer, if possible, for  
27 each of the numerous objects contained within the referenced fixes and updates. Moreover,  
28 Defendants object to this request on the basis that Defendants’ burden associated with responding

1 to this request is substantially similar to the burden for Plaintiffs to obtain the information sought  
2 through this request, especially because the available documents, data and other information from  
3 which the answer, if any, could be derived in response to this request have been produced by  
4 Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available  
5 information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and  
6 without waiving the foregoing objections and qualifications, Defendants respond as follows:

7 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
8 information Defendants currently know or can readily obtain, Defendants have insufficient  
9 information to admit or deny this request.

10 **REQUEST FOR ADMISSION NO. 679:**

11 Admit that in Developing at least one Fix Object delivered to a Customer as part of each  
12 Fix listed in Exhibit B, SAP TN used Araxis Merge to compare code in at least two Local  
13 Environments that SAP TN built from software obtained from Customers other than at least one  
14 Customer who received the Fix Object.

15 **RESPONSE TO REQUEST FOR ADMISSION NO. 679:**

16 Defendants object to this request on the grounds stated in the General Objections and  
17 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
18 respect to the information sought in this request because Defendants SAP AG and SAP America  
19 have no additional knowledge separate and apart from the information provided by Defendant  
20 TomorrowNow in this response. Defendants object to the request because the terms "used,"  
21 "compare," "code," "local environments," "developing," "received," and "delivered" are subject  
22 to multiple meanings and, as such, are overly broad, vague, and ambiguous. Defendants further  
23 object to the term "Fix Object" as overly broad, vague, and inaccurate to the extent it includes the  
24 phrase "discrete unit of code." Defendants respond as if the undefined term "object" was used in  
25 "Fix Object's" place. Further, Exhibit B lists the names of master fixes as that term was used by  
26 TomorrowNow in the SAS database. The master fixes are not the actual objects that are  
27 developed for TomorrowNow customers. Master bundles and master fixes are records that  
28 simply identify problems for which TomorrowNow generally developed objects to resolve. The

1 object development often took place at the release level, source level, and customer level. If this  
2 request is actually asking for information related to each and every object TomorrowNow  
3 developed, this number is more in line with the 33,185 listed in Plaintiffs' Exhibit D to Plaintiffs'  
4 Third Set of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. To  
5 respond to this question, Defendants would have to analyze each individual object in each fix or  
6 update contained within each master bundle. Defendants, therefore, object to this request as  
7 compound and unduly burdensome in that this request seeks information and activities that (1)  
8 involved many thousands of objects, (2) involved numerous employees, (3) took place over  
9 several years, and (4) would require Defendants to review substantial business records to  
10 determine an answer, if possible, for each of the numerous numbers of objects contained within  
11 the fixes and updates, and Defendants' burden in doing so would be substantially similar to the  
12 burden for Plaintiffs to do so given that the available information is at least as equally accessible  
13 to Plaintiffs as it is to Defendants.

14 Subject to the General Objections and Responses and these specific objections, after a  
15 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
16 sufficient knowledge and information to either admit or deny these requests, as the information  
17 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
18 manner." On this basis, therefore, these requests are DENIED.

19 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 679:**

20 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
21 General Objections noted above. Defendants' response is based solely on Defendant  
22 TomorrowNow's knowledge with respect to the information sought in this request because  
23 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
24 information provided by Defendant TomorrowNow in this response. Defendants object to the  
25 request because the terms "used," "compare," "code," "local environments," "developing,"  
26 "received," and "delivered" are capable of multiple meanings and thus, make this request overly  
27 broad, vague and ambiguous. Defendants object that the phrase "built from software obtained  
28 from customers other than at least one customer who received the fix object" is vague and

1 ambiguous. Further, Exhibit B lists the names of “master fixes” as that phrase was used by  
2 TomorrowNow in the SAS database. TomorrowNow’s “master fixes” are not the actual objects  
3 included in fixes or updates that are developed for TomorrowNow’s customers. “Master fixes”  
4 and “master bundles” are records that describe the issue to be addressed and then serve as a  
5 record keeping device and reference for that issue and related activity TomorrowNow undertook  
6 to address that issue. The actual development of customer-specific objects included in customer-  
7 specific fixes and updates was referenced to a “master bundle” or “master fix” record for  
8 identification and record keeping purposes. Thus, if this request seeks an admission related to  
9 each and every object related to each and every customer-specific fix or update that  
10 TomorrowNow developed, then this single request impermissibly seeks literally thousands of  
11 admissions similar to the admissions Plaintiffs impermissibly seek regarding the large number of  
12 objects contained within the 33,185 objects listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set  
13 of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the intent  
14 of this request, then to respond to this request, Defendants would have to analyze each individual  
15 object in each fix or update contained within each master bundle. Defendants, therefore, object  
16 on the basis that this request is compound, overly broad and unduly burdensome because it seeks  
17 an admission regarding thousands of separate activities that (1) involved many thousands of  
18 objects, (2) involved numerous employees, (3) took place over several years, and (4) would  
19 require Defendants to review enormous volumes of business records to attempt to determine an  
20 answer, if possible, for each of the numerous objects contained within the referenced fixes and  
21 updates. Moreover, Defendants object to this request on the basis that Defendants’ burden  
22 associated with responding to this request is substantially similar to the burden for Plaintiffs to  
23 obtain the information sought through this request, especially because the available documents,  
24 data and other information from which the answer, if any, could be derived in response to this  
25 request have been produced by Defendants in response to Plaintiffs’ other discovery requests and  
26 thus any relevant, available information is now as equally accessible to Plaintiffs as it is to  
27 Defendants. Subject to and without waiving the foregoing objections and qualifications,  
28 Defendants respond as follows:

1 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
2 information Defendants currently know or can readily obtain, Defendants have insufficient  
3 information to admit or deny this request.

4 **REQUEST FOR ADMISSION NO. 680:**

5 Admit that in testing at least one Fix Object delivered to a Customer as part of each Fix  
6 listed in Exhibit B, SAP TN used Araxis Merge to compare code in at least two Local  
7 Environments that SAP TN built from software obtained from Customers other than at least one  
8 Customer who received the Fix Object.

9 **RESPONSE TO REQUEST FOR ADMISSION NO. 680:**

10 Defendants object to this request on the grounds stated in the General Objections and  
11 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with  
12 respect to the information sought in this request because Defendants SAP AG and SAP America  
13 have no additional knowledge separate and apart from the information provided by Defendant  
14 TomorrowNow in this response. Defendants object to the request because the terms "used,"  
15 "compare," "code," "local environments," "testing," and "received" are subject to multiple  
16 meanings and, as such, are overly broad, vague, and ambiguous. Defendants object that the  
17 phrase "built from software obtained from customers other than at least one customer who  
18 received the fix object" is vague and ambiguous. Defendants further object to the term "Fix  
19 Object" as overly broad, vague, and inaccurate to the extent it includes the phrase "discrete unit  
20 of code." Defendants respond as if the undefined term "object" was used in "Fix Object's" place.  
21 Further, Exhibit B lists the names of master fixes as that term was used by TomorrowNow in the  
22 SAS database. The master fixes are not the actual objects that are developed for TomorrowNow  
23 customers. Master bundles and master fixes are records that simply identify problems for which  
24 TomorrowNow generally developed objects to resolve. The object development often took place  
25 at the release level, source level, and customer level. If this request is actually asking for  
26 information related to each and every object TomorrowNow developed, this number is more in  
27 line with the 33,185 listed in Plaintiffs' Exhibit D to Plaintiffs' Third Set of Requests for  
28 Admissions to SAP AG, SAP America, and TomorrowNow. To respond to this question,

1 Defendants would have to analyze each individual object in each fix or update contained within  
2 each master bundle. Defendants, therefore, object to this request as compound and unduly  
3 burdensome in that this request seeks information and activities that (1) involved many thousands  
4 of objects, (2) involved numerous employees, (3) took place over several years, and (4) would  
5 require Defendants to review substantial business records to determine an answer, if possible, for  
6 each of the numerous numbers of objects contained within the fixes and updates, and Defendants'  
7 burden in doing so would be substantially similar to the burden for Plaintiffs to do so given that  
8 the available information is at least as equally accessible to Plaintiffs as it is to Defendants.

9 Subject to the General Objections and Responses and these specific objections, after a  
10 reasonable inquiry and based on Defendants' understanding of these questions, Defendants lack  
11 sufficient knowledge and information to either admit or deny these requests, as the information  
12 sought was not tracked, recorded, or maintained by TomorrowNow in a "readily obtainable  
13 manner." On this basis, therefore, these requests are DENIED.

14 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 680:**

15 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'  
16 General Objections noted above. Defendants' response is based solely on Defendant  
17 TomorrowNow's knowledge with respect to the information sought in this request because  
18 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the  
19 information provided by Defendant TomorrowNow in this response. Defendants object to the  
20 request because the terms "used," "compare," "code," "local environments," "delivered,"  
21 "received," and "testing" are capable of multiple meanings and thus, make this request overly  
22 broad, vague and ambiguous. Defendants object that the phrase "built from software obtained  
23 from customers other than at least one customer who received the fix object" is vague and  
24 ambiguous. Further, Exhibit B lists the names of "master fixes" as that phrase was used by  
25 TomorrowNow in the SAS database. TomorrowNow's "master fixes" are not the actual objects  
26 included in fixes or updates that are developed for TomorrowNow's customers. "Master fixes"  
27 and "master bundles" are records that describe the issue to be addressed and then serve as a  
28 record keeping device and reference for that issue and related activity TomorrowNow undertook

1 to address that issue. The actual development of customer-specific objects included in customer-  
2 specific fixes and updates was referenced to a “master bundle” or “master fix” record for  
3 identification and record keeping purposes. Thus, if this request seeks an admission related to  
4 each and every object related to each and every customer-specific fix or update that  
5 TomorrowNow developed, then this single request impermissibly seeks literally thousands of  
6 admissions similar to the admissions Plaintiffs impermissibly seek regarding the large number of  
7 objects contained within the 33,185 objects listed in Plaintiffs’ Exhibit D to Plaintiffs’ Third Set  
8 of Requests for Admissions to SAP AG, SAP America, and TomorrowNow. If that is the intent  
9 of this request, then to respond to this request, Defendants would have to analyze each individual  
10 object in each fix or update contained within each master bundle. Defendants, therefore, object  
11 on the basis that this request is compound, overly broad and unduly burdensome because it seeks  
12 an admission regarding thousands of separate activities that (1) involved many thousands of  
13 objects, (2) involved numerous employees, (3) took place over several years, and (4) would  
14 require Defendants to review enormous volumes of business records to attempt to determine an  
15 answer, if possible, for each of the numerous objects contained within the referenced fixes and  
16 updates. Moreover, Defendants object to this request on the basis that Defendants’ burden  
17 associated with responding to this request is substantially similar to the burden for Plaintiffs to  
18 obtain the information sought through this request, especially because the available documents,  
19 data and other information from which the answer, if any, could be derived in response to this  
20 request have been produced by Defendants in response to Plaintiffs’ other discovery requests and  
21 thus any relevant, available information is now as equally accessible to Plaintiffs as it is to  
22 Defendants. Subject to and without waiving the foregoing objections and qualifications,  
23 Defendants respond as follows:

24 DENIED on the basis that Defendants have made a reasonable inquiry and based on the  
25 information Defendants currently know or can readily obtain, Defendants have insufficient  
26 information to admit or deny this request.

27 **REQUEST FOR ADMISSION NO. 681:**

28 Admit that prior to this litigation no Defendant ever disclosed to any SAP TN Customer

1 unduly burdensome to respond to the millions of discrete subparts subsumed in this overly broad,  
2 very general request.

3 Subject to the General Objections and Responses and these specific objections,  
4 Defendants are not able to admit or deny this compound, overly broad, and unduly burdensome  
5 request based on the information stated and so must DENY on that basis. However, Defendants  
6 remain willing to negotiate with Plaintiffs in an attempt to reach a reasonable bilateral agreement  
7 regarding authentication of documents in this case.

8

9 Dated: October 19, 2009

JONES DAY

10

11

By: /s/ Jason McDonell

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Jason McDonell

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

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**PROOF OF SERVICE**

I, Laurie Paige Burns, declare:

I am a citizen of the United States and employed in San Francisco County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 555 California Street, 26th Floor, San Francisco, California 94104. On October 19, 2009, I served a copy of the attached document(s):

**DEFENDANTS' SECOND AMENDED AND SUPPLEMENTAL RESPONSES TO PLAINTIFFS' SECOND SET OF REQUESTS FOR ADMISSION TO DEFENDANTS TOMORROWNOW, INC., SAP AG, AND SAP AMERICA, INC.**

- 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.
- by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Francisco, California addressed as set forth below.
- 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.

Donn Pickett, Esq.  
 Geoffrey M. Howard, Esq.  
 Holly A. House, Esq.  
 Zachary J. Alinder, Esq.  
 Bree Hann, Esq.  
 BINGHAM McCUTCHEN LLP  
 Three Embarcadero Center  
 San Francisco, CA 94111-4067  
*donn.pickett@bingham.com*  
*geoff.howard@bingham.com*  
*holly.house@bingham.com*  
*zachary.alinder@bingham.com*  
*bree.hann@bingham.com*

Executed on October 19, 2009, at San Francisco, California.

By:   
 Laurie Paige Burns

HUI-119795v2