

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

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

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

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

19 UNITED STATES DISTRICT COURT
 20 NORTHERN DISTRICT OF CALIFORNIA
 21 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)

**DECLARATION OF SCOTT W.
 COWAN IN SUPPORT OF
 STIPULATION AND [PROPOSED]
 ORDER TO EXTEND TIME FOR
 EXPERT DISCOVERY**

Date: N/A
 Time: N/A
 Courtroom: N/A
 Judge: Hon. Phyllis J. Hamilton

COWAN DECL. ISO STIPULATION AND [PROPOSED] ORDER
 TO EXTEND TIME FOR EXPERT DISCOVERY
 Case No. 07-CV-1658 PJH (EDL)

1 I, SCOTT W. COWAN, declare:

2 I am a partner in the law firm of Jones Day, 717 Texas, Suite 3300, Houston, Texas, a
3 member in good standing of the bar of Texas, admitted *pro hac vice*, and counsel of record for
4 Defendants SAP AG, SAP America, Inc., and TomorrowNow, Inc. in the above-captioned action.
5 I make this declaration based on personal knowledge and, if called upon to do so, could testify
6 competently thereto.

7 1. On June 11, 2009, the Court issued a Stipulated Revised Case Management and
8 Pretrial Order. *See* D.I. 325 (“June 11, 2009 Order”). The June 11, 2009 Order set February 26,
9 2010 as the deadline to serve expert rebuttal reports. *See* D.I. 325. The June 11, 2009 Order
10 further set April 23, 2010 as the expert discovery cut-off date.

11 2. Due to the complexities and volume of expert-related discovery and the challenges
12 of scheduling voluminous expert depositions, the parties mutually agree to extend the date to
13 serve rebuttal expert reports until March 26, 2010 and to extend the close of expert discovery to
14 June 18, 2010.

15 3. The Parties have previously sought and received modifications to certain deadlines
16 in the case schedule. By agreement of the parties, the Court moved the trial date in this case from
17 February 9, 2009 to February 8, 2010. *See* D.I. 50; D.I. 84. Other dates, including the dates for
18 the cut-off of fact and expert discovery, were modified at the same time. *See* D.I. 50; D.I. 82; D.I.
19 84. Subsequently, the Court granted the parties’ request to move the trial date from February 8,
20 2010 to November 1, 2010. *See* D.I. 84; D.I. 325. The dates for the cut-off of fact and expert
21 discovery were also modified at that time. *See* D.I. 84; D.I. 325.

22 4. Because the Parties’ request to extend the deadline to serve rebuttal expert reports
23 and to extend the close of expert discovery does not impact any other deadlines set forth in the
24 Court’s Order, including any dates involving any action by the Court or the current trial date of
25 November 1, 2010, the parties do not believe the granting of this motion will have any
26 detrimental effect at all on either the schedule for this case or the Court’s schedule generally.

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28 //

1 I declare under penalty of perjury under the laws of the United States and the State of
2 California that the foregoing is true and correct. Executed this 21st day of December, 2009 in
3 Houston, Texas.

4

5 Dated: December 21, 2009

JONES DAY

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By: /s/ Scott W. Cowan
Scott W. Cowan

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

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