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 15 Oracle EMEA Limited, and Siebel Systems, Inc.

16 UNITED STATES DISTRICT COURT
 17 NORTHERN DISTRICT OF CALIFORNIA
 18 OAKLAND DIVISION

19 ORACLE USA, INC., *et al.*,
 20 Plaintiffs,
 21 v.
 22 SAP AG, *et al.*,
 23 Defendants.

CASE NO. 07-CV-01658 PJH (EDL)

**DECLARATION OF JASON RICE IN
 SUPPORT OF ORACLE'S
 OPPOSITION TO DEFENDANTS'
 MOTION TO COMPEL**

[REDACTED]

Date: January 26, 2010
 Time: 2 p.m.
 Place: Courtroom E, 15th Floor
 Judge: Hon. Elizabeth D. Laporte

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Case No. 07-CV-01658 PJH (EDL)

1 I, Jason Rice, declare as follows:

2 1. I am a Principal Software Engineer for Plaintiff Oracle USA (“Oracle”). I
3 have personal knowledge of the facts set forth in this declaration and would competently testify
4 to them if called upon to do so.

5 2. As described in more detail in my March 14, 2008 Declaration in
6 Opposition to SAP’s Motion to Compel Change Assistant Source Code in this Action, I have
7 personal knowledge regarding the development and maintenance of Oracle’s customer support
8 website, called Customer Connection (specifically the J.D. Edwards Update Center), the J.D.
9 Edwards Change Assistant software program user-interface, and the databases associated with
10 those two programs.

11 3. I understand that SAP’s counsel and experts were provided access to
12 Customer Connection and the Change Assistant tool [REDACTED]

13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED] Thus, SAP’s

18 counsel and experts could have searched Customer Connection for each ESU or SAR released for
19 a given system code, and could have indexed those ESUs and SARs by system code.

20 4. While identifying and descriptive information about downloadable support
21 materials is reflected in the Customer Connection databases (e.g. the attributes described above),
22 the Customer Connection databases do not contain licensing data to identify whether a given
23 download is licensed for any given customer. Thus, SAP would not be able to “map” downloaded
24 support materials taken from Customer Connection to customer contracts using the electronic data
25 contained on Customer Connection, including the spreadsheets that SAP introduced as deposition
26 exhibits during my December 4, 2009 deposition, which I created using the Customer Connection
27 databases.

28 5. I understand that TomorrowNow/SAP employed several former JD
2 Case No. 07-CV-01658 PJH (EDL)

1 Edwards employees, such as Mark Kreutz. I am confident that anyone familiar with the materials
2 available through Customer Connection, including many former JD Edwards employees, along
3 with someone with basic knowledge of how databases work (a “dba”), should have no problem
4 not only connecting all of those databases (particularly given the detailed instructions that I put
5 together for restoring the Update Center database), but also querying those databases to create the
6 same types of spreadsheets with ESU, SAR, and system code information that SAP’s counsel
7 asked me about during my deposition on December 4, 2009.

8 6. I have reviewed the document with the Bates number TN-OR04217886,
9 which I understand was produced from Mr. Kreutz’ files at TomorrowNow/SAP. [REDACTED]

10 [REDACTED]
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Summary Analysis - Mozilla Firefox

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Summary Analysis

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- All Packages

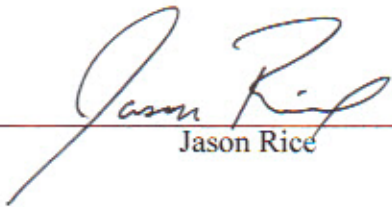
| | | |
|-------------------------|-----------------------------|--------|
| JD22200 | Electronic Software Updates | CLIENT |
| JD22279 | Electronic Software Updates | CLIENT |
| JD22463 | Electronic Software Updates | CLIENT |
| JD22930 | Electronic Software Updates | CLIENT |
| JD23272 | Electronic Software Updates | CLIENT |
| JD23540 | Electronic Software Updates | CLIENT |
| JD23583 | Electronic Software Updates | CLIENT |
| JD23631 | Electronic Software Updates | CLIENT |
| JD23891 | Electronic Software Updates | CLIENT |
| JD24020 | Electronic Software Updates | CLIENT |

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- All SARs

| | | |
|-------------------------|--|-------------------------|
| 4636997 | EFT/EFTE not working | JD22930 |
| Objects on SAR: | P12230 - Supplemental Inquiry by Data T | |
| 4702456 | A/D not totalling correctly | JD23272 |
| Objects on SAR: | R12430 - Depreciation Expense Report | |
| 4704945 | Processing Option default err | JD23540 |
| Objects on SAR: | R12424 - Cost Analysis T12424 - Cost Analysis | |
| 4870425 | Sys. Update o/s selectn range | JD24020 |
| Objects on SAR: | R1201Z11 - Asset Master/Equipment Tag Inb | |
| 4999667 | Erroneous errors in proof mode | JD24020 |
| Objects on SAR: | R1201Z11 - Asset Master/Equipment Tag Inb | |

21
22 I declare under penalty of perjury that the foregoing is true and correct and that
23 this declaration was executed on January 4, 2010 at Denver, Colorado.

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25 
26 Jason Rice