

1 BINGHAM McCUTCHEM LLP
 DONN P. PICKETT (SBN 72257)
 2 GEOFFREY M. HOWARD (SBN 157468)
 HOLLY A. HOUSE (SBN 136045)
 3 ZACHARY J. ALINDER (SBN 209009)
 BREE HANN (SBN 215695)
 4 Three Embarcadero Center
 San Francisco, CA 94111-4067
 5 Telephone: (415) 393-2000
 Facsimile: (415) 393-2286
 6 donn.pickett@bingham.com
 geoff.howard@bingham.com
 7 holly.house@bingham.com
 zachary.alinder@bingham.com
 8 bree.hann@bingham.com

9 DORIAN DALEY (SBN 129049)
 JENNIFER GLOSS (SBN 154227)
 10 500 Oracle Parkway, M/S 5op7
 Redwood City, CA 94070
 11 Telephone: (650) 506-4846
 Facsimile: (650) 506-7114
 12 dorian.daley@oracle.com
 jennifer.gloss@oracle.com
 13

14 Attorneys for Plaintiffs
 Oracle USA, Inc., Oracle International Corporation,
 Oracle EMEA Limited, and Siebel Systems, Inc.
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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 LUCIA
 MACDONALD IN SUPPORT OF
 ORACLE'S OPPOSITION TO
 DEFENDANTS' MOTION TO
 COMPEL**

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

1 I, Lucia MacDonald, declare as follows:

2 1. I am an associate at Bingham McCutchen LLP, counsel of record for Plaintiffs
3 Oracle USA, Inc., et al., (collectively, "Oracle") in the above-referenced action. I make this
4 declaration based on my personal knowledge from my representation of Oracle and could and
5 would testify competently to the facts stated herein if called upon to do so.

6 2. I reviewed SAP's requested 64 listed pleadings and the deposition transcripts
7 from Folger Levin & Kahn LLP's files (PeopleSoft's counsel in the California litigation brought
8 by PeopleSoft against Oracle in the Alameda Superior Court ("the 2003 Alameda action")).

9 3. The total page count for the 64 items alone is 7,631. It took several days to
10 complete the review. Only six items on Defendants' list even mentioned any of the 350
11 customers at issue here.

12 4. My review confirmed that any FUD (fear, uncertainty and doubt) referenced in
13 the Folger Levin documents is based upon publicly-available information such as press releases,
14 news media, analyst notes, and pleadings.

15 I declare under penalty of perjury under the laws of the United States that the foregoing is
16 true and correct and that this declaration is executed at San Francisco, California, on date:
17 January 5, 2010.

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19 _____
20 Lucia MacDonald

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