

EXHIBIT OO

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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)

**DEFENDANT TOMORROWNOW,
 INC.'S EIGHTH AMENDED AND
 SUPPLEMENTAL RESPONSE TO
 PLAINTIFF ORACLE
 CORPORATION'S FIRST SET OF
 INTERROGATORIES (SET ONE)**

1 **PROPOUNDING PARTY:** **Oracle Corporation**
2 **RESPONDING PARTY:** **TomorrowNow, Inc.**
3 **SET NUMBER:** **One**

4 Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, defendant
5 TomorrowNow, Inc. ("TomorrowNow") amends and supplements its responses and objects as
6 follows to the first set of interrogatories from former plaintiff Oracle Corporation. In light of
7 Oracle Corporation's dismissal from this action, TomorrowNow provides its amended and
8 supplemental responses and objections with the understanding that they are intended for the
9 remaining plaintiffs in this case, Oracle USA, Inc., Oracle International Corporation, Oracle
10 EMEA, Ltd., and Siebel Systems Inc. ("Plaintiffs" or "Oracle").

11 **GENERAL RESPONSES AND OBJECTIONS**

12 1. TomorrowNow objects to each interrogatory to the extent that it seeks information
13 that is protected from disclosure by any applicable privilege, including the attorney-client
14 privilege and the attorney work product doctrine. Should any such disclosure by TomorrowNow
15 occur, it is inadvertent and shall not constitute a waiver of any privilege or of any other ground
16 for objecting to discovery with respect to such information or of TomorrowNow's right to object
17 during this litigation or otherwise to the use of any such information.

18 2. TomorrowNow objects to each interrogatory to the extent that it improperly seeks
19 a legal conclusion.

20 3. TomorrowNow will provide confidential and proprietary information of
21 TomorrowNow and/or of others only pursuant to the protective order in this case.

22 4. TomorrowNow objects to each interrogatory and to the definitions and instructions
23 to the extent they seek to impose upon TomorrowNow duties and/or responsibilities greater than
24 those imposed by the Federal Rules of Civil Procedure, the Local Rules of this Court, any
25 applicable orders of this Court or any stipulation or agreement of the parties.

26 5. TomorrowNow objects to each interrogatory, definition and instruction to the
27 extent it seeks information not in TomorrowNow's possession, custody or control.
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INTERROGATORY NO. 15:

Describe in as much detail as possible Your investigation of the “inappropriate” downloads, including but not limited to the name of the Person(s) who initiated the investigation and conducted the investigation, when the investigation began, the reason for the investigation, a description of any results or reports arising from the investigation, the names of all Customers investigated, the names of all Customers on whose behalf any “inappropriate” downloading occurred, and a brief description of the procedures used to investigate the “inappropriate” downloads.

RESPONSE TO INTERROGATORY NO. 15:

TomorrowNow objects that this interrogatory seeks information not in the possession of TomorrowNow. TomorrowNow further objects that because the investigation of the issues referenced in this interrogatory was and is conducted in response to the filing of Oracle’s complaint, this interrogatory seeks information that is protected from disclosure by the attorney-client privilege and the work product doctrine. Non-privileged documents and information

1 revealed by the investigation will be provided in response to other requests seeking such
2 information.

3 **INTERROGATORY NO. 16:**

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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 December 4, 2009, I served a copy of the attached document(s):

DEFENDANT TOMORROWNOW, INC.'S EIGHTH AMENDED AND SUPPLEMENTAL RESPONSE TO PLAINTIFF ORACLE CORPORATION'S FIRST SET OF INTERROGATORIES (SET ONE)

- 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 placing the document(s) listed above in a sealed Federal Express envelope and affixing a pre-paid air bill, and causing the envelope to be delivered to a Federal Express agent for delivery.
- by placing the document(s) listed above in a sealed envelope and causing such envelope to be hand delivered to the office of the addressee on the date specified above.
- 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.

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Executed on December 4, 2009, at San Francisco, California.

By: 
LAURIE PAIGE BURNS