

# **EXHIBIT PP**

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

BEFORE THE HONORABLE ELIZABETH D. LAPORTE, MAGISTRATE

ORACLE CORPORATION,	)
	)
Plaintiff,	)
	)
VS.	) NO. C 07-1658
	)
SAP AG, et al,	)
	) San Francisco, California
Defendants.	) Tuesday
	) August 4, 2009
	) 2:00 p.m.

TRANSCRIPT OF PROCEEDINGS

APPEARANCES:

**For Plaintiff:** BINGHAM, MCCUTCHEN LLP  
 Three Embarcadero Center  
 San Francisco, California 94111-4067  
**BY: GEOFFREY M. HOWARD, ESQ.**  
**JOHN POLITO, ESQ.**  
**ZACHARY J. ALINDER, ESQ.**

**For Defendants:** JONES DAY  
 717 Texas  
 Suite 300  
 Houston, Texas 77002  
**BY: SCOTT W. COWAN, ESQ.**

JONES DAY  
 1755 Embarcadero Road  
 Palo Alto, California 94303  
**BY: JACQUELINE K.S. LEE, ESQ.**  
**HEATHER FUGITT, ESQ.**

**Reported By: Debra L. Pas, CSR 11916, CRR, RMR, RPR**  
*Official Reporter - US District Court*  
*Computerized Transcription By Eclipse*

*Debra L. Pas, CSR, CRR, RMR, RPR*  
*Official Reporter - U.S. District Court - San Francisco, California*  
*(415) 431-1477*

1           **THE COURT:** And you're saying that they could go  
2 through exactly the same process as you?

3           **MR. COWAN:** Correct.

4           **THE COURT:** Have you looked at the instances where  
5 the customer requested "All" on the request form and had than  
6 all of the boxes checked on their authorization?

7           **MR. COWAN:** Well, and that's -- that question  
8 presupposes that the customer filled out the download request  
9 form. They did not. That was a Tomorrow Now completed form  
10 on Page 2.

11           **THE COURT:** Well, but it doesn't really matter who  
12 filled it out. In other words --

13           **MR. COWAN:** You are saying on Page 1?

14           **THE COURT:** How many instances -- I'm just looking  
15 at what potentially would be more manageable and  
16 straightforward, because you would only need to compare two  
17 pieces of paper potentially.

18           **MR. COWAN:** But they could do that as easy as we  
19 could because it's not going to require us referring to any  
20 of our witnesses or any evidence that hasn't already been  
21 produced in the case. They can do that analysis as easy as  
22 we can. The data is there.

23           **THE COURT:** Has anyone done that analysis?

24           **MR. COWAN:** On our end, not that I'm aware of. I  
25 would assume they have either not done it or maybe they have