

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 CATHERINE
 HYDE**

1 I, Catherine Hyde, declare as follows:

2 1. I am a former TomorrowNow, Inc. employee. I have personal knowledge of the
3 facts stated in this declaration and could competently testify to them if required.

4 2. I was employed by TomorrowNow as a developer for the PeopleSoft product lines
5 from October 2002 through October 31, 2008. As a developer, I was involved in the development,
6 and to a limited extent the testing, of objects that were included in fixes and updates that were
7 delivered to TomorrowNow customers.

8 3. As a developer at TomorrowNow, I used and understood the term object to
9 generally refer to file-based objects, online objects, and/or data files. File based objects include
10 items such as .sqr, .sqc and COBOL files. Online objects include items such as fields, records,
11 pages, and menus.

12 4. For the HRMS PeopleSoft product lines at TomorrowNow, objects were
13 developed or modified to correct identified and reported issues. The identified and reported
14 issues that affected one or more of TomorrowNow's customers were tracked in a TomorrowNow-
15 created database, referred to as the SAS database, and those records were generally referred to as
16 master fixes.

17 5. Both fixes and master fixes, as those terms were commonly used at
18 TomorrowNow, were not the items actually being developed and tested. At TomorrowNow, a fix
19 was the container that contained one or more objects that, grouped together, were the solution for
20 a defined problem. The specific name given to any particular fix container for a specific
21 customer included a reference to the broader master fix record. The objects contained within the
22 fix container were the actual items on which development and testing work was done.

23 6. Additionally, at TomorrowNow, updates were referred to and described as a group
24 of fixes (with each fix containing one or more objects) which were delivered together. Updates
25 were also referred to as bundles.

26 7. While TomorrowNow employees might have generally referred to fixes and
27 updates as what was delivered to customers, in order to know what was done to create the items
28 inside the fix container, one would have to analyze the development and testing history of each

1 object inside the given fix. One would not be able to tell anything about the development history
2 by analyzing the container (i.e., fix) itself.

3 8. While employed at TomorrowNow, I do not recall TomorrowNow employees
4 commonly, if at all, using the phrase “generic environment.” I am not aware of that phrase
5 having any one specific or common meaning at TomorrowNow.

6 9. I declare under the penalty of perjury that the above facts are based on my personal
7 knowledge and are true and correct. This Declaration was executed on January __, 2010, at
8 Atlanta, Georgia.

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Catherine Hyde