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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.,

Case No. 07-CV-1658 PJH (EDL)

23 Plaintiffs,

**DECLARATION OF MARK KREUTZ IN SUPPORT OF  
 DEFENDANTS' REPLY TO ORACLE'S OPPOSITION  
 TO DEFENDANTS MOTION TO COMPEL**

24 v.

25 SAP AG, et al.,

26 Defendants.  
 27

1 I, MARK Kreutz, declare:

2 1. I am the former Vice President of JD Edwards Support Services for  
3 TomorrowNow, Inc., a Defendant in this case. I make this declaration based on personal  
4 knowledge and, if called upon to do so, could testify competently thereto.

5 2. I have reviewed the document titled "Summary\_Analysis.htm" with Bates number  
6 TN-OR04217886, which I understand was produced from my files at TomorrowNow, Inc.

7 3. I believe based on my review of the document that the .htm file was generated  
8 from Customer Connection. I do not recall the precise parameters or search query that was run to  
9 generate this document.

10 4. I can confirm that this document was not generated for the purpose of mapping  
11 ESUs to products or system codes. Further, this document does not have all of the information  
12 required to map all ESUs downloaded by TomorrowNow, Inc. to the associated system codes.  
13 For example, the document does not contain the product or system code information associated  
14 with all ESUs, SARs, and objects contained in all ESUs and SARs downloaded by  
15 TomorrowNow on behalf of its customers. Moreover, the document does not appear to contain  
16 all available ESUs on Customer Connection and instead it only appears to contain ESUs with the  
17 prefix "JD." The system code information in the document appears to refer only to the system  
18 codes for the special instructions associated with the ESUs that are referenced in the document.

19 5. I presently know of no way to map in an automated fashion the downloads  
20 conducted by TomorrowNow, Inc. to the products or system codes.

21 I declare under penalty of perjury under the laws of the United States and the State of  
22 California that the foregoing is true and correct. Executed this 12<sup>th</sup> day of January 2010 in  
23 Denver, Colorado.

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Mark Kreutz