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Oracle EMEA Limited, and Siebel Systems, Inc.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

ORACLE USA, INC., *et al.*,  
Plaintiffs,  
v.  
SAP AG, *et al.*,  
Defendants.

CASE NO. 07-CV-01658 PJH (EDL)

**DECLARATION OF GEOFFREY M.  
HOWARD IN SUPPORT OF REPLY  
IN SUPPORT OF ORACLE'S  
MOTION TO MODIFY THE  
PROTECTIVE ORDER AND TO  
COMPEL DEPOSITION  
TESTIMONY AND FURTHER  
RESPONSES TO REQUESTS FOR  
ADMISSIONS**

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

1 I, Geoffrey M. Howard, declare as follows:

2 1. I am an attorney licensed to practice law in the State of California and a  
3 partner at Bingham McCutchen LLP, counsel of record for plaintiffs Oracle USA, Inc., Oracle  
4 International Corporation, Oracle EMEA Ltd., and Siebel Systems, Inc. (collectively, "Oracle").  
5 I have personal knowledge of the facts stated below by virtue of my representation of Oracle in  
6 this action and if called as a witness could competently testify as to them.

7 2. Attached as Exhibit A is a true and correct copy of a document produced  
8 by Defendants as TN-OR06427729-31.

9 3. Attached as Exhibit B is a true and correct copy of a document produced  
10 by Defendants as TN-OR00483845-47.

11 4. Attached as Exhibit C is a true and correct copy of a document produced  
12 by Defendants as TN-OR01187772.

13 5. Attached as Exhibit D is a true and correct copy of a document marked as  
14 Plaintiffs' Deposition Exhibit 906 in the individual deposition of Catherine Hyde taken in this  
15 action on February 12, 2009; this document had been produced by Defendants as TN-  
16 OR01203517-19.

17 6. Attached as Exhibit E is a true and correct copy of excerpts from the  
18 transcript of the individual deposition of Catherine Hyde, taken in this action on February 12,  
19 2009.

20 7. Attached as Exhibit F is a true and correct copy of an excerpt from the  
21 transcript of the individual deposition of Beth Lester, taken in this action on April 22, 2009.

22 8. Attached as Exhibit G is a true and correct copy of excerpts from the  
23 transcript of the Rule 30(b)(6) deposition of Catherine Hyde, taken in this action on April 1-2,  
24 2008.

25 9. Attached as Exhibit H is a true and correct copy of an excerpt from the  
26 transcript of the Rule 30(b)(6) deposition of Shelley Nelson, taken in this action on December 6,  
27 2007.

28 10. Attached as Exhibit I is a true and correct copy of excerpts from the

1 transcript of the Rule 30(b)(6) deposition of Katherine Williams, taken in this action on April 1,  
2 2008.

3 11. Attached as Exhibit J is a true and correct copy of excerpts from the  
4 November 25, 2008 Discovery Conference Hearing transcript.

5 12. Attached as Exhibit K is a true and correct copy of excerpts from the  
6 August 25, 2009 Discovery Conference Hearing transcript.

7 13. Attached as Exhibit L is a true and correct copy of excerpts from the  
8 February 13, 2009 Discovery Conference Hearing transcript.

9 14. Attached as Exhibit M is a true and correct copy of excerpts from the  
10 February 13, 2008 Discovery Conference Hearing transcript.

11 15. I declare under penalty of perjury under the laws of the United States that  
12 the foregoing facts are true and correct, and that this Declaration was executed on January 12,  
13 2010, in San Francisco, California.

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15 Geoffrey M. Howard  
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