

1 BINGHAM McCUTCHEN LLP  
 2 DONN P. PICKETT (SBN 72257)  
 3 GEOFFREY M. HOWARD (SBN 157468)  
 4 HOLLY A. HOUSE (SBN 136045)  
 5 ZACHARY J. ALINDER (SBN 209009)  
 6 BREE HANN (SBN 215695)  
 7 Three Embarcadero Center  
 8 San Francisco, CA 94111-4067  
 9 Telephone: (415) 393-2000  
 10 Facsimile: (415) 393-2286  
 11 donn.pickett@bingham.com  
 12 geoff.howard@bingham.com  
 13 holly.house@bingham.com  
 14 zachary.alinder@bingham.com  
 15 bree.hann@bingham.com

9 DORIAN DALEY (SBN 129049)  
 10 JENNIFER GLOSS (SBN 154227)  
 11 500 Oracle Parkway  
 12 M/S 5op7  
 13 Redwood City, CA 94070  
 14 Telephone: (650) 506-4846  
 15 Facsimile: (650) 506-7114  
 16 dorian.daley@oracle.com  
 17 jennifer.gloss@oracle.com

18 Attorneys for Plaintiffs  
 19 Oracle USA, Inc., Oracle International  
 20 Corporation, Oracle EMEA Limited, and  
 21 Siebel Systems, Inc.

Robert A. Mittelstaedt (SBN 060359)  
 Jason McDonell (SBN 115084)  
 Elaine Wallace (SBN 197882)  
 JONES DAY  
 555 California Street, 26<sup>th</sup> Floor  
 San Francisco, CA 94104  
 Telephone: (415) 626-3939  
 Facsimile: (415) 875-5700  
 ramittelstaedt@jonesday.com  
 jmcdonell@jonesday.com  
 ewallace@jonesday.com

Tharan Gregory Lanier (SBN 138784)  
 Jane L. Froyd (SBN 220776)  
 JONES DAY  
 1755 Embarcadero Road  
 Palo Alto, CA 94303  
 Telephone: (650) 739-3939  
 Facsimile: (650) 739-3900  
 tglanier@jonesday.com  
 jfroyd@jonesday.com

Scott W. Cowan (Admitted *Pro Hac Vice*)  
 Joshua L. Fuchs (Admitted *Pro Hac Vice*)  
 JONES DAY  
 717 Texas, Suite 3300  
 Houston, TX 77002  
 Telephone: (832) 239-3939  
 Facsimile: (832) 239-3600  
 swcowan@jonesday.com  
 jlfuchs@jonesoday.com

Attorneys for Defendants  
 SAP AG, SAP AMERICA, INC., and  
 TOMORROWNOW, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

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)

**JOINT STATUS REPORT  
 REQUIRED BY  
 JANUARY 4, 2010 ORDER**

1 Plaintiffs Oracle USA, Inc., Oracle International Corporation, Oracle EMEA Limited, and  
2 Siebel Systems, Inc. (collectively, "Oracle") and Defendants SAP AG, SAP America, Inc., and  
3 TomorrowNow, Inc. (collectively, "Defendants," and with Oracle, the "Parties") submit this Joint  
4 Status Report pursuant to the Court's January 4, 2010 Order (Dkt. No. 588).

5 Based on information Defendants received directly from Mr. Pulk prior to December 29,  
6 2009, Defendants believe that the focus of Mr. Pulk's December 29, 2009 letter (Dkt. No. 587) to  
7 the Court is his complaint about an alarm (beeping noise) coming from one of TomorrowNow's  
8 servers located at a facility in Bryan, Texas that also houses other companies' servers. Prior to  
9 Mr. Pulk's letter, Plaintiffs were unaware of this issue. Following the Court's Order, the Parties  
10 met and conferred, and Defendants explained to Plaintiffs their belief regarding the origin of the  
11 alarm and stated their intention to make reasonable efforts to preserve the server at issue while  
12 performing the necessary maintenance to stop the alarm. Now that the alarm has been silenced,  
13 Defendants believe that the concerns addressed in Mr. Pulk's December 29, 2009 letter have been  
14 resolved and that no further action is required by the Parties in response to that letter.

15 DATED: February 2, 2010

JONES DAY

16 By: /s/ Scott W. Cowan

17 Scott W. Cowan

18 Attorneys for Defendants

19 SAP AG, SAP AMERICA, INC., and  
20 TOMORROWNOW, INC.

21 In accordance with General Order No. 45, Rule X, the above signatory attests that  
22 concurrence in the filing of this document has been obtained from the signatory below.

23 DATED: February 2, 2010

BINGHAM McCUTCHEN LLP

24 By: /s/ Zachary J. Alinder

25 Zachary J. Alinder

26 Attorneys for Plaintiffs

27 Oracle USA, Inc., Oracle International  
28 Corporation, Oracle EMEA Limited, and  
Siebel Systems, Inc.