

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, M/S 5op7  
 12 Redwood City, CA 94070  
 13 Telephone: (650) 506-4846  
 14 Facsimile: (650) 506-7114  
 15 dorian.daley@oracle.com  
 16 jennifer.gloss@oracle.com

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

20 UNITED STATES DISTRICT COURT  
 21 NORTHERN DISTRICT OF CALIFORNIA  
 22 OAKLAND DIVISION

23 ORACLE USA, INC., *et al.*,  
 24 Plaintiffs,  
 25 v.  
 26 SAP AG, *et al.*,  
 27 Defendants.

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

**DECLARATION OF BRADY  
 MICKELSEN IN SUPPORT OF  
 MOTION FOR PARTIAL SUMMARY  
 JUDGMENT**

**CONTAINS INFORMATION  
 DESIGNATED HIGHLY  
 CONFIDENTIAL PURSUANT TO  
 PROTECTIVE ORDER**

Case No. 07-CV-01658 PJH (EDL)

DECLARATION OF BRADY MICKELSEN IN SUPPORT OF ORACLE'S MOTION FOR  
 PARTIAL SUMMARY JUDGMENT

1 I, Brady Mickelsen, declare as follows:

2 1. I am Vice President, Associate General Counsel, Corporate, Securities &  
3 Acquisitions of Oracle America, Inc., the successor-in-interest to Oracle USA, Inc. as of  
4 February 15, 2010 (together with its related corporate entities, "Oracle"). In my employment  
5 with Oracle, I have been personally involved with the acquisition, reorganization, and other  
6 inter-company documents related to Oracle's acquisitions, corporate structure, and property  
7 ownership. My job responsibilities have required me to review and understand the chain of  
8 ownership and transfer of tangible personal property, including computers and computer  
9 systems, relating to Oracle's acquisition of PeopleSoft (for the purposes of this declaration  
10 "PeopleSoft" means PeopleSoft, Inc. and any related corporate entities).

11 **Ownership of Oracle's U.S. Computers**

12 2. In connection with Oracle's acquisition and reorganization of PeopleSoft  
13 in 2005, PeopleSoft's computers and computer systems located in the United States were owned  
14 by or assigned to Oracle USA, Inc. (formerly PeopleSoft USA, Inc.). I am not aware of any  
15 PeopleSoft computers or computer systems that were not owned by or assigned to Oracle USA,  
16 Inc., following Oracle's acquisition and reorganization of PeopleSoft.

17 3. On February 15, 2010, Oracle USA, Inc. merged into Sun Microsystems,  
18 Inc., which was concurrently renamed Oracle America, Inc. As a result of the February 15, 2010  
19 merger, Oracle America, Inc. now owns the PeopleSoft computer systems located in the United  
20 States that were owned by Oracle USA, Inc. prior to February 15, 2010.

21 **Oracle's Intellectual Property Ownership**

22 4. Attached as Exhibit A is a true and correct copy of the Oracle IP Rights  
23 Transfer Clarification Agreement, which I executed on behalf of Oracle International  
24 Corporation on July 10, 2009.


25

26

27

28

1 I declare under penalty of perjury under the laws of the United States that the  
2 foregoing is true and correct and that this declaration is executed at Redwood Shores, California,  
3 on March 2, 2010.

4  
5   
6 Brady Mickelsen

7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28