

EXHIBIT 114

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

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

14 Attorneys for Plaintiffs
 Oracle USA, Inc., Oracle International Corporation,
 Oracle EMEA Limited, and Siebel Systems, Inc.
 15

16 UNITED STATES DISTRICT COURT
 17 NORTHERN DISTRICT OF CALIFORNIA
 18 OAKLAND DIVISION

19 ORACLE USA, INC., *et al.*,
 20 Plaintiffs,
 21 v.
 22 SAP AG, *et al.*,
 Defendants.
 23
 24

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

**DECLARATION OF BRADY
 MICKELSEN**

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

1 I, Brady Mickelsen, declare as follows:

2 1. I am over the age of 18 and competent to testify to the facts stated in this
3 declaration. All statements made in this declaration are based upon my personal knowledge and
4 belief. If called and sworn as a witness, I could and would competently testify as to such
5 matters.

6 2. I understand that four Oracle corporate entities are named plaintiffs in the
7 above captioned matter, *Oracle USA, Inc. et al. v. SAP AG, et al.*, Case No. 07-cv-01658-
8 PJH(EDL): Oracle USA, Inc., Oracle International Corporation, Oracle EMEA Ltd., and Siebel
9 Systems Inc. The purpose of this declaration is to confirm that Oracle America, Inc. is the
10 successor in interest to Oracle USA, Inc. (“OUSA”) and therefore should be substituted as the
11 named plaintiff in this action for Oracle USA, Inc.

12 3. On January 27, 2010, Oracle Corporation announced it had completed its
13 acquisition of Sun Microsystems, Inc. (“SMI”). In my capacity as Vice President, Associate
14 General Counsel, Corporate, Securities & Acquisition at OUSA, I was personally responsible
15 for overseeing the drafting of the post-acquisition documents by which SMI would be
16 reorganized within the corporate entity structure of Oracle Corporation and its subsidiaries.

17 4. As a part of this reorganization, on February 15, 2010 at 12:01 am Pacific
18 Standard Time, OUSA merged with and into SMI (the “Merger”). Specifically, the Agreement
19 and Plan of Merger provides:

20
21 Subject to and in accordance with the provisions of this
22 Agreement, at the Effective Time (as defined in Section 2 hereof),
23 OUSA shall be merged with and into SMI, whereupon the separate
24 existence of OUSA shall cease, and SMI shall be the surviving
25 entity (the “Surviving Entity”) in the Merger. The Surviving
26 Entity shall, in accordance with Section 259 of the General
27 Corporation Law of the State of Delaware (the “Code”), succeed
28 by operation of law, without other transfer or action, to all of the
rights, title, interests and property of OUSA, and shall assume all
debts, obligations and liabilities of OUSA as if the Surviving
Entity had itself incurred such debts, obligations and liabilities.

27 As the surviving entity of the Merger, SMI filed an Amended and Restated Certificate of
28 Incorporation pursuant to which the name of SMI was changed to Oracle America, Inc.

