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Attorneys for Plaintiffs
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 Oracle EMEA Limited, and Siebel Systems, Inc.

14 UNITED STATES DISTRICT COURT
 15
 16 NORTHERN DISTRICT OF CALIFORNIA
 17
 18 OAKLAND DIVISION

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

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

**DECLARATION OF JOHN A.
 POLITO IN SUPPORT OF ORACLE'S
 MOTION FOR PARTIAL SUMMARY
 JUDGMENT**

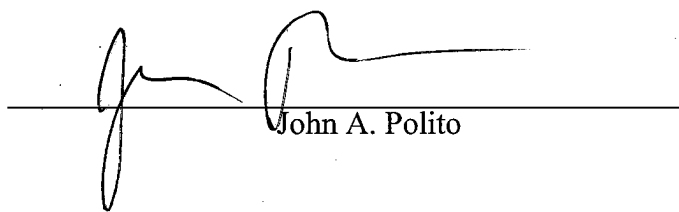
Date: May 5, 2010
 Time: 9:00 am
 Place: 3rd Floor, Courtroom 3
 Judge: Hon. Phyllis J. Hamilton

1 I, John A. Polito, declare as follows:

2 1. I am an associate at Bingham McCutchen LLP, counsel to Plaintiffs in this
3 action. I have personal knowledge of the facts set forth in this declaration and would
4 competently testify to them if called upon to do so.

5 2. On February 17, 2010, I directed that copies of three PS_HOME backups,
6 H702RHIM_20060705_1307, HR751CSS_20070404_0927, and HR810DMO_20050315_1158,
7 be extracted from Encase and made available to Oracle employee Norm Ackermann. These
8 backups were produced by Defendants as BU02_G\BU02_G4\
9 psbackup\tn-dell2650-01\pssoft\backups\h702rhim_20060705_1307.ZIP on TN-OR03712541
10 (TN Hard Drive 46), BU02_G\BU02_G1\psbackup\yogi\ps_home\hr751css_20070404_0927.zip
11 on TN-OR03711978 (TN Hard Drive 44), and TNWTS01_D_Z_C\TNWTS01_Z\TN Archive\
12 TNBK0166\PSHOME\HR810DMO_20050315_1158.ZIP on TN-OR03727372 (TN Hard Drive
13 55), respectively.

14 I declare under penalty of perjury that the foregoing is true and correct and that
15 this declaration was executed on March 3, 2010, at San Francisco, California.

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18 _____
19 John A. Polito
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