

EXHIBIT 98

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SAP AG, SAP AMERICA, INC., and
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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-1658 PJH (EDL)

**DEFENDANTS' FOURTH AMENDED
RESPONSES TO REQUESTS 496
THROUGH 680 OF PLAINTIFFS'
SECOND SET OF REQUESTS FOR
ADMISSION TO DEFENDANTS
TOMORROWNOW, INC., SAP AG,
AND SAP AMERICA, INC.**

**CONFIDENTIAL PURSUANT TO
PROTECTIVE ORDER**

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17 **REQUEST FOR ADMISSION NO. 501:**

18 Admit that for the majority of Fixes or Updates listed in the first two columns of Exhibit
19 A, TN acquired a Copy of a tax Update published by PeopleSoft or Oracle by Downloading it
20 from Customer Connection to use in Developing the Fix or Update.

21 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 501:**

22 Defendants incorporate by reference, as if fully set forth herein, all of Defendants'
23 General Objections noted above. Defendants' response is based solely on Defendant
24 TomorrowNow's knowledge with respect to the information sought in this request because
25 Defendants SAP AG and SAP America have no additional knowledge separate and apart from the
26 information provided by Defendant TomorrowNow in this response. Moreover, Defendants
27 object to this request on the basis that it is unduly burdensome because Defendants' burden
28 associated with responding to this request is substantially similar to the burden for Plaintiffs to

1 obtain the information sought through this request, especially because the available documents,
2 data and other information from which the answer, if any, could be derived in response to this
3 request have been produced by Defendants in response to Plaintiffs' other discovery requests and
4 thus any relevant, available information is now as equally accessible to Plaintiffs as it is to
5 Defendants. Subject to and without waiving the foregoing objections and qualifications,
6 Defendants respond as follows:

7 **ADMITTED.**
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Dated: February 22, 2009

JONES DAY

By: /s/ Scott W. Cowan
Scott W. Cowan

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

PROOF OF SERVICE

I, Laurie Paige Burns, declare:

I am a citizen of the United States and employed in San Francisco County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 555 California Street, 26th Floor, San Francisco, California 94104. On February 22, 2010, I served a copy of the attached document(s):

**DEFENDANTS' FOURTH AMENDED RESPONSES TO REQUESTS 496
THROUGH 680 OF PLAINTIFFS' SECOND SET OF REQUESTS FOR
ADMISSION TO DEFENDANTS TOMORROWNOW, INC., SAP AG,
AND SAP AMERICA, INC.**

- ☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- ☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Francisco, California addressed as set forth below.
- ☐ by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
- ☒ by transmitting via e-mail or electronic transmission the document(s) listed above to the person(s) at the e-mail address(es) set forth below.

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Executed on February 22, 2010, at San Francisco, California.

By: _____
Laurie Paige Burns

Exhibit A

TOMORROWNOW'S HRMS BUNDLES AND UPDATES

2002E-702C	2004B-702C	TN-PY04JUN
2002E-702P	2004B-702P	TN-PY04JUL
2002E-702S	2004B-751G	TN-PY04AUG
2002F-702C	2004C-702C	TN-PY04OCT
2002F-702P	2004C-702P	TN-PY04DEC
2002F-702S	2004C-751G	
2002G-702C	2004D-702C	TN-PY05JAN
2002G-702P	2004D-702P	TN-PY05FEB
2002G-702S	2004D-751G	TN-PY05MAR
	2004E-702C	TN-PY05JUN
2003A-702C	2004E-702P	TN-PY05AUG
2003A-702P	2004E-751G	TN-PY05OCT
2003A-702S	2004E-760S	TN-PY05DEC
2003B-702C	2004F-702C	TN-PY05FNL
2003B-702P	2004F-702P	TN-PY05CAN
2003B-702S	2004F-751C	
2003C-702C	2004F-751C	TN-PY06JAN
2003C-702P	2004F-751C	TN-PY06FEB
2003C-702S	2004F-751C	TN-PY06MAR
2003D-702C	2004F-751G	TN-PY06JUN
2003D-702P	2004F-760S	TN-PY06AUG
2003D-702S		TN-PY06OCT
2003E-702C	2005A-702C	TN-PY06DEC
2003E-702P	2005A-702P	TN-PY06FNL
2003E-702S	2005A-751G	
2003E-751G	2005A-760S	TN-PY07JAN
2003F-702C	2005B-702C	TN-PY07MAR
2003F-702P	2005B-702P	TN-PY07JUN
2003F-702S	2005B-751G	TN-PY07AUG
2003F-751G	2005B-760S	TN-PY07OCT
2003G-702C	2005C-702C	TN-PY07DEC
2003G-702P	2005C-702P	TN-PY07FNL
2003G-702S	2005C-751G	
2003G-751G	2005C-760S	TN-PY08JAN
	2005D-702C	TN-PY08MAR
2004A-702C	2005D-702P	TN-PY08JUN
2004A-702P	2005D-751C	
2004A-702S	2005D-751G	
2004A-751G	2005D-760S	

CONFIDENTIAL INFORMATION

