

EXHIBIT B

1 Robert A. Mittelstaedt (SBN 060359)
Jason McDonell (SBN 115084)
2 Elaine Wallace (SBN 197882)
JONES DAY
3 555 California Street, 26th Floor
San Francisco, CA 94104
4 Telephone: (415) 626-3939
Facsimile: (415) 875-5700
5 ramittelstaedt@jonesday.com
jmcdonell@jonesday.com
6 ewallace@jonesday.com

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

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

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

19 UNITED STATES DISTRICT COURT
20 NORTHERN DISTRICT OF CALIFORNIA
21 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)

**DEFENDANTS' AMENDED
RESPONSE TO REQUESTS 4
THROUGH 63 AND 130 THROUGH
162 OF PLAINTIFFS' FIFTH SET OF
REQUESTS FOR ADMISSION TO
DEFENDANTS TOMORROWNOW,
INC., SAP AG, AND SAP AMERICA,
INC.**

**CONFIDENTIAL PURSUANT TO
PROTECTIVE ORDER**

23. Under Fed. R. Civ. P. 36(b), any and all admissions made by Defendants through the following responses are made for the purpose of this pending civil action only and are not an admission for any other purpose nor may any such admissions be used against Defendants in any other proceeding.

REQUESTS FOR ADMISSION

REQUEST NO. 4:

For each file located in DCITBU01_G\JDE\JDE Delivered Updates & Fixes, as identified in Defendants' responses to Interrogatory 11 from Oracle Corp.'s first set, admit that the file was originally downloaded from an Oracle website by SAP TN.

RESPONSE:

Defendants object to this request on the grounds stated in the General Objections and Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant TomorrowNow in this response. Further, Defendants object to this request as compound and unduly burdensome in that this request asks for "each file" and, thus, asks hundreds if not thousands of separate questions and would require the review of substantial amounts of data. This request, therefore, does not separately state each matter sought. Moreover, Defendants object to this request on the basis that Defendants' burden associated with responding to this request is substantially similar to the burden for Plaintiffs to obtain the information sought through this request, especially because the available documents, data and other information sought from which the answer, if any, could be derived in response to this request have been produced by Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available information is now as equally accessible to Plaintiffs as it is to Defendants. Defendants also object to the extent that this request improperly attempts to shift Plaintiffs' burden of proof to Defendants. Subject to and without waiving the foregoing objections and qualifications, Defendants respond as follows:

ADMITTED for the vast majority.

1 **REQUEST NO. 5:**

2 For each file located in DCITBU01_G\PeopleSoft, as identified in Defendants' responses
3 to Interrogatory 11 from Oracle Corp.'s first set, admit that the file was originally downloaded
4 from an Oracle website by SAP TN.

5 **RESPONSE:**

6 Defendants object to this request on the grounds stated in the General Objections and
7 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with
8 respect to the information sought in this request because Defendants SAP AG and SAP America
9 have no additional knowledge separate and apart from the information provided by Defendant
10 TomorrowNow in this response. Further, Defendants object to this request as compound and
11 unduly burdensome in that this request asks for "each file" and, thus, asks hundreds if not
12 thousands of separate questions and would require the review of substantial amounts of data.
13 This request, therefore, does not separately state each matter sought. Moreover, Defendants
14 object to this request on the basis that Defendants' burden associated with responding to this
15 request is substantially similar to the burden for Plaintiffs to obtain the information sought
16 through this request, especially because the available documents, data and other information
17 sought from which the answer, if any, could be derived in response to this request have been
18 produced by Defendants in response to Plaintiffs' other discovery requests and thus any relevant,
19 available information is now as equally accessible to Plaintiffs as it is to Defendants. Defendants
20 also object to the extent that this request improperly attempts to shift Plaintiffs' burden of proof to
21 Defendants. Subject to and without waiving the foregoing objections and qualifications,
22 Defendants respond as follows:

23 ADMITTED for the vast majority.

24 **REQUEST NO. 6:**

25 For each file located in DCDL1-2 and DCDL4-20, as identified in Defendants' responses
26 to Interrogatory 11 from Oracle Corp.'s first set, admit that the file was originally downloaded
27 from an Oracle website by SAP TN.
28

RESPONSE:

Defendants object to this request on the grounds stated in the General Objections and Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant TomorrowNow in this response. Further, Defendants object to this request as compound and unduly burdensome in that this request asks for "each file" and, thus, asks hundreds if not thousands of separate questions and would require the review of substantial amounts of data. This request, therefore, does not separately state each matter sought. Moreover, Defendants object to this request on the basis that Defendants' burden associated with responding to this request is substantially similar to the burden for Plaintiffs to obtain the information sought through this request, especially because the available documents, data and other information sought from which the answer, if any, could be derived in response to this request have been produced by Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available information is now as equally accessible to Plaintiffs as it is to Defendants. Defendants also object to the extent that this request improperly attempts to shift Plaintiffs' burden of proof to Defendants. Subject to and without waiving the foregoing objections and qualifications, Defendants respond as follows:

ADMITTED for the majority.

REQUEST NO. 7:

For each file located in Tempstore_CE\D\PeopleSoft, as identified in Defendants' responses to Interrogatory 11 from Oracle Corp.'s first set, admit that the file was originally downloaded from an Oracle website by SAP TN.

RESPONSE:

Defendants object to this request on the grounds stated in the General Objections and Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant

1 TomorrowNow in this response. Further, Defendants object to this request as compound and
2 unduly burdensome in that this request asks for “each file” and, thus, asks hundreds if not
3 thousands of separate questions and would require the review of substantial amounts of data.
4 This request, therefore, does not separately state each matter sought. Moreover, Defendants
5 object to this request on the basis that Defendants’ burden associated with responding to this
6 request is substantially similar to the burden for Plaintiffs to obtain the information sought
7 through this request, especially because the available documents, data and other information
8 sought from which the answer, if any, could be derived in response to this request have been
9 produced by Defendants in response to Plaintiffs’ other discovery requests and thus any relevant,
10 available information is now as equally accessible to Plaintiffs as it is to Defendants. Defendants
11 also object to the extent that this request improperly attempts to shift Plaintiffs’ burden of proof to
12 Defendants. Subject to and without waiving the foregoing objections and qualifications,
13 Defendants respond as follows:

14 ADMITTED for the vast majority.

15 **REQUEST NO. 8:**

16 For each file located in TN-FS01_F\C\DellRestore\F Drive\PS\PS Delivered Updates &
17 Fixes, as identified in Defendants’ responses to Interrogatory 11 from Oracle Corp.’s first set,
18 admit that the file was originally downloaded from an Oracle website by SAP TN.

19 **RESPONSE:**

20 Defendants object to this request on the grounds stated in the General Objections and
21 Responses. Defendants’ response is based solely on Defendant TomorrowNow’s knowledge with
22 respect to the information sought in this request because Defendants SAP AG and SAP America
23 have no additional knowledge separate and apart from the information provided by Defendant
24 TomorrowNow in this response. Further, Defendants object to this request as compound and
25 unduly burdensome in that this request asks for “each file” and, thus, asks hundreds if not
26 thousands of separate questions and would require the review of substantial amounts of data.
27 This request, therefore, does not separately state each matter sought. Moreover, Defendants
28 object to this request on the basis that Defendants’ burden associated with responding to this

1 request is substantially similar to the burden for Plaintiffs to obtain the information sought
2 through this request, especially because the available documents, data and other information
3 sought from which the answer, if any, could be derived in response to this request have been
4 produced by Defendants in response to Plaintiffs' other discovery requests and thus any relevant,
5 available information is now as equally accessible to Plaintiffs as it is to Defendants. Defendants
6 also object to the extent that this request improperly attempts to shift Plaintiffs' burden of proof to
7 Defendants. Subject to and without waiving the foregoing objections and qualifications,
8 Defendants respond as follows:

9 ADMITTED for the vast majority.

10 **REQUEST NO. 9:**

11 For each file located in JD-WSVR01_G\JDE\JDE Delivered Updates & Fixes, as
12 identified in Defendants' responses to Interrogatory 11 from Oracle Corp.'s first set, admit that
13 the file was originally downloaded from an Oracle website by SAP TN.

14 **RESPONSE:**

15 Defendants object to this request on the grounds stated in the General Objections and
16 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with
17 respect to the information sought in this request because Defendants SAP AG and SAP America
18 have no additional knowledge separate and apart from the information provided by Defendant
19 TomorrowNow in this response. Further, Defendants object to this request as compound and
20 unduly burdensome in that this request asks for "each file" and, thus, asks hundreds if not
21 thousands of separate questions and would require the review of substantial amounts of data.
22 This request, therefore, does not separately state each matter sought. Moreover, Defendants
23 object to this request on the basis that Defendants' burden associated with responding to this
24 request is substantially similar to the burden for Plaintiffs to obtain the information sought
25 through this request, especially because the available documents, data and other information
26 sought from which the answer, if any, could be derived in response to this request have been
27 produced by Defendants in response to Plaintiffs' other discovery requests and thus any relevant,
28 available information is now as equally accessible to Plaintiffs as it is to Defendants. Defendants

1 also object to the extent that this request improperly attempts to shift Plaintiffs' burden of proof to
2 Defendants. Subject to and without waiving the foregoing objections and qualifications,
3 Defendants respond as follows:

4 ADMITTED for the vast majority.

5 **REQUEST NO. 10:**

6 For each file located in AS/400 ENT01 Partition, as identified in Defendants' responses to
7 Interrogatory 11 from Oracle Corp.'s first set, admit that the file was originally downloaded from
8 an Oracle website by SAP TN.

9 **RESPONSE:**

10 Defendants object to this request on the grounds stated in the General Objections and
11 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with
12 respect to the information sought in this request because Defendants SAP AG and SAP America
13 have no additional knowledge separate and apart from the information provided by Defendant
14 TomorrowNow in this response. Further, Defendants object to this request as compound and
15 unduly burdensome in that this request asks for "each file" and, thus, asks hundreds if not
16 thousands of separate questions and would require the review of substantial amounts of data.
17 This request, therefore, does not separately state each matter sought. Moreover, Defendants
18 object to this request on the basis that Defendants' burden associated with responding to this
19 request is substantially similar to the burden for Plaintiffs to obtain the information sought
20 through this request, especially because the available documents, data and other information
21 sought from which the answer, if any, could be derived in response to this request have been
22 produced by Defendants in response to Plaintiffs' other discovery requests and thus any relevant,
23 available information is now as equally accessible to Plaintiffs as it is to Defendants. Defendants
24 also object to the extent that this request improperly attempts to shift Plaintiffs' burden of proof to
25 Defendants. Subject to and without waiving the foregoing objections and qualifications,
26 Defendants respond as follows:

27 DENIED for the vast majority.

28

REQUEST NO. 11:

For each file located in AS/400 World Partition, as identified in Defendants' responses to Interrogatory 11 from Oracle Corp.'s first set, admit that the file was originally downloaded from an Oracle website by SAP TN.

RESPONSE:

Defendants object to this request on the grounds stated in the General Objections and Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant TomorrowNow in this response. Further, Defendants object to this request as compound and unduly burdensome in that this request asks for "each file" and, thus, asks hundreds if not thousands of separate questions and would require the review of substantial amounts of data. This request, therefore, does not separately state each matter sought. Moreover, Defendants object to this request on the basis that Defendants' burden associated with responding to this request is substantially similar to the burden for Plaintiffs to obtain the information sought through this request, especially because the available documents, data and other information sought from which the answer, if any, could be derived in response to this request have been produced by Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available information is now as equally accessible to Plaintiffs as it is to Defendants. Defendants also object to the extent that this request improperly attempts to shift Plaintiffs' burden of proof to Defendants. Subject to and without waiving the foregoing objections and qualifications, Defendants respond as follows:

ADMITTED for materials that TomorrowNow downloaded and subsequently moved to the AS/400 as described by Patti Von Feldt at pages 10:14-11:13 and 14:7-15 of her April 10, 2009 deposition. DENIED for the vast majority of the files not covered by the admission in the preceding sentence.

REQUEST NO. 12:

For each file located in TN-FS02_E\Delivered Updates & Fixes, as identified in

1 Defendants' responses to Interrogatory 11 from Oracle Corp.'s first set, admit that the file was
2 originally downloaded from an Oracle website by SAP TN.

3 **RESPONSE:**

4 Defendants object to this request on the grounds stated in the General Objections and
5 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with
6 respect to the information sought in this request because Defendants SAP AG and SAP America
7 have no additional knowledge separate and apart from the information provided by Defendant
8 TomorrowNow in this response. Further, Defendants object to this request as compound and
9 unduly burdensome in that this request asks for "each file" and, thus, asks hundreds if not
10 thousands of separate questions and would require the review of substantial amounts of data.
11 This request, therefore, does not separately state each matter sought. Moreover, Defendants
12 object to this request on the basis that Defendants' burden associated with responding to this
13 request is substantially similar to the burden for Plaintiffs to obtain the information sought
14 through this request, especially because the available documents, data and other information
15 sought from which the answer, if any, could be derived in response to this request have been
16 produced by Defendants in response to Plaintiffs' other discovery requests and thus any relevant,
17 available information is now as equally accessible to Plaintiffs as it is to Defendants. Defendants
18 also object to the extent that this request improperly attempts to shift Plaintiffs' burden of proof to
19 Defendants. Subject to and without waiving the foregoing objections and qualifications,
20 Defendants respond as follows:

21 ADMITTED for the vast majority.

22 **REQUEST NO. 13:**

23 For each file located in TN-FS01_F\C\DellRestore\F Drive\Client Download Links, as
24 identified in Defendants' responses to Interrogatory 11 from Oracle Corp.'s first set, admit that
25 the file was originally downloaded from an Oracle website by SAP TN.

26 **RESPONSE:**

27 Defendants object to this request on the grounds stated in the General Objections and
28 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with

1 respect to the information sought in this request because Defendants SAP AG and SAP America
2 have no additional knowledge separate and apart from the information provided by Defendant
3 TomorrowNow in this response. Further, Defendants object to this request as compound and
4 unduly burdensome in that this request asks for “each file” and, thus, asks hundreds if not
5 thousands of separate questions and would require the review of substantial amounts of data.
6 This request, therefore, does not separately state each matter sought. Moreover, Defendants
7 object to this request on the basis that Defendants’ burden associated with responding to this
8 request is substantially similar to the burden for Plaintiffs to obtain the information sought
9 through this request, especially because the available documents, data and other information
10 sought from which the answer, if any, could be derived in response to this request have been
11 produced by Defendants in response to Plaintiffs’ other discovery requests and thus any relevant,
12 available information is now as equally accessible to Plaintiffs as it is to Defendants. Defendants
13 also object to the extent that this request improperly attempts to shift Plaintiffs’ burden of proof to
14 Defendants. Subject to and without waiving the foregoing objections and qualifications,
15 Defendants respond as follows:

16 ADMITTED for the vast majority.

17 **REQUEST NO. 14:**

18 For each file located in TN-FS01_F\C\DellRestore\F Drive\PS\JDE OneWorld
19 International Docs and Release Notes, as identified in Defendants’ responses to Interrogatory 11
20 from Oracle Corp.’s first set, admit that the file was originally downloaded from an Oracle
21 website by SAP TN.

22 **RESPONSE:**

23 Defendants object to this request on the grounds stated in the General Objections and
24 Responses. Defendants’ response is based solely on Defendant TomorrowNow’s knowledge with
25 respect to the information sought in this request because Defendants SAP AG and SAP America
26 have no additional knowledge separate and apart from the information provided by Defendant
27 TomorrowNow in this response. Further, Defendants object to this request as compound and
28 unduly burdensome in that this request asks for “each file” and, thus, asks hundreds if not

1 thousands of separate questions and would require the review of substantial amounts of data.
2 This request, therefore, does not separately state each matter sought. Moreover, Defendants
3 object to this request on the basis that Defendants' burden associated with responding to this
4 request is substantially similar to the burden for Plaintiffs to obtain the information sought
5 through this request, especially because the available documents, data and other information
6 sought from which the answer, if any, could be derived in response to this request have been
7 produced by Defendants in response to Plaintiffs' other discovery requests and thus any relevant,
8 available information is now as equally accessible to Plaintiffs as it is to Defendants. Defendants
9 also object to the extent that this request improperly attempts to shift Plaintiffs' burden of proof to
10 Defendants. Subject to and without waiving the foregoing objections and qualifications,
11 Defendants respond as follows:

12 ADMITTED for the vast majority.

13 **REQUEST NO. 15:**

14 For each file located in TN-FS01_F\C\DellRestore\F Drive\PS\JDE World International
15 Docs and Release Notes, as identified in Defendants' responses to Interrogatory 11 from Oracle
16 Corp.'s first set, admit that the file was originally downloaded from an Oracle website by SAP
17 TN.

18 **RESPONSE:**

19 Defendants object to this request on the grounds stated in the General Objections and
20 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with
21 respect to the information sought in this request because Defendants SAP AG and SAP America
22 have no additional knowledge separate and apart from the information provided by Defendant
23 TomorrowNow in this response. Further, Defendants object to this request as compound and
24 unduly burdensome in that this request asks for "each file" and, thus, asks hundreds if not
25 thousands of separate questions and would require the review of substantial amounts of data.
26 This request, therefore, does not separately state each matter sought. Moreover, Defendants
27 object to this request on the basis that Defendants' burden associated with responding to this
28 request is substantially similar to the burden for Plaintiffs to obtain the information sought

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

8 ADMITTED for the vast majority.

9 **REQUEST NO. 16:**

10 For each file located in JDDEV03\D\Downloads\PeopleSoft, as identified in Defendants'
11 responses to Interrogatory 11 from Oracle Corp.'s first set, admit that the file was originally
12 downloaded from an Oracle website by SAP TN.

13 **RESPONSE:**

14 Defendants object to this request on the grounds stated in the General Objections and
15 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with
16 respect to the information sought in this request because Defendants SAP AG and SAP America
17 have no additional knowledge separate and apart from the information provided by Defendant
18 TomorrowNow in this response. Further, Defendants object to this request as compound and
19 unduly burdensome in that this request asks for "each file" and, thus, asks hundreds if not
20 thousands of separate questions and would require the review of substantial amounts of data.
21 This request, therefore, does not separately state each matter sought. Moreover, Defendants
22 object to this request on the basis that Defendants' burden associated with responding to this
23 request is substantially similar to the burden for Plaintiffs to obtain the information sought
24 through this request, especially because the available documents, data and other information
25 sought from which the answer, if any, could be derived in response to this request have been
26 produced by Defendants in response to Plaintiffs' other discovery requests and thus any relevant,
27 available information is now as equally accessible to Plaintiffs as it is to Defendants. Defendants
28 also object to the extent that this request improperly attempts to shift Plaintiffs' burden of proof to

1 Defendants. Subject to and without waiving the foregoing objections and qualifications,
2 Defendants respond as follows:

3 ADMITTED for the vast majority.

4 **REQUEST NO. 17:**

5 For each file located in JDDEV03\D\ESUhtm, as identified in Defendants' responses to
6 Interrogatory 11 from Oracle Corp.'s first set, admit that the file was originally downloaded from
7 an Oracle website by SAP TN.

8 **RESPONSE:**

9 Defendants object to this request on the grounds stated in the General Objections and
10 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with
11 respect to the information sought in this request because Defendants SAP AG and SAP America
12 have no additional knowledge separate and apart from the information provided by Defendant
13 TomorrowNow in this response. Further, Defendants object to this request as compound and
14 unduly burdensome in that this request asks for "each file" and, thus, asks hundreds if not
15 thousands of separate questions and would require the review of substantial amounts of data.
16 This request, therefore, does not separately state each matter sought. Moreover, Defendants
17 object to this request on the basis that Defendants' burden associated with responding to this
18 request is substantially similar to the burden for Plaintiffs to obtain the information sought
19 through this request, especially because the available documents, data and other information
20 sought from which the answer, if any, could be derived in response to this request have been
21 produced by Defendants in response to Plaintiffs' other discovery requests and thus any relevant,
22 available information is now as equally accessible to Plaintiffs as it is to Defendants. Defendants
23 also object to the extent that this request improperly attempts to shift Plaintiffs' burden of proof to
24 Defendants. Subject to and without waiving the foregoing objections and qualifications,
25 Defendants respond as follows:

26 ADMITTED for the vast majority.

27 **REQUEST NO. 18:**

28 For each file located in SBLPROD02\SupportWeb-2007.03.11-

1 PSCU_Financial_Services.rar, as identified in Defendants' responses to Interrogatory 11 from
2 Oracle Corp.'s first set, admit that the file was originally downloaded from an Oracle website by
3 SAP TN.

4 **RESPONSE:**

5 Defendants object to this request on the grounds stated in the General Objections and
6 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with
7 respect to the information sought in this request because Defendants SAP AG and SAP America
8 have no additional knowledge separate and apart from the information provided by Defendant
9 TomorrowNow in this response. Further, Defendants object to this request as compound and
10 unduly burdensome in that this request asks for "each file" and, thus, asks hundreds if not
11 thousands of separate questions and would require the review of substantial amounts of data.
12 This request, therefore, does not separately state each matter sought. Moreover, Defendants
13 object to this request on the basis that Defendants' burden associated with responding to this
14 request is substantially similar to the burden for Plaintiffs to obtain the information sought
15 through this request, especially because the available documents, data and other information
16 sought from which the answer, if any, could be derived in response to this request have been
17 produced by Defendants in response to Plaintiffs' other discovery requests and thus any relevant,
18 available information is now as equally accessible to Plaintiffs as it is to Defendants. Defendants
19 also object to the extent that this request improperly attempts to shift Plaintiffs' burden of proof to
20 Defendants. Subject to and without waiving the foregoing objections and qualifications,
21 Defendants respond as follows:

22 ADMITTED for the vast majority.

23 **REQUEST NO. 19:**

24 For each file located in TN-FS01_F\C\Siebel\Clients\Actel, as identified in Defendants'
25 responses to Interrogatory 11 from Oracle Corp.'s first set, admit that the file was originally
26 downloaded from an Oracle website by SAP TN.

27 **RESPONSE:**

28 Defendants object to this request on the grounds stated in the General Objections and

1 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with
2 respect to the information sought in this request because Defendants SAP AG and SAP America
3 have no additional knowledge separate and apart from the information provided by Defendant
4 TomorrowNow in this response. Further, Defendants object to this request as compound and
5 unduly burdensome in that this request asks for "each file" and, thus, asks hundreds if not
6 thousands of separate questions and would require the review of substantial amounts of data.
7 This request, therefore, does not separately state each matter sought. Moreover, Defendants
8 object to this request on the basis that Defendants' burden associated with responding to this
9 request is substantially similar to the burden for Plaintiffs to obtain the information sought
10 through this request, especially because the available documents, data and other information
11 sought from which the answer, if any, could be derived in response to this request have been
12 produced by Defendants in response to Plaintiffs' other discovery requests and thus any relevant,
13 available information is now as equally accessible to Plaintiffs as it is to Defendants. Defendants
14 also object to the extent that this request improperly attempts to shift Plaintiffs' burden of proof to
15 Defendants. Subject to and without waiving the foregoing objections and qualifications,
16 Defendants respond as follows:

17 ADMITTED for the vast majority.

18 **REQUEST NO. 20:**

19 For each file located in TN-FS01_F\C\Siebel\Clients\ATX, as identified in Defendants'
20 responses to Interrogatory 11 from Oracle Corp.'s first set, admit that the file was originally
21 downloaded from an Oracle website by SAP TN.

22 **RESPONSE:**

23 Defendants object to this request on the grounds stated in the General Objections and
24 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with
25 respect to the information sought in this request because Defendants SAP AG and SAP America
26 have no additional knowledge separate and apart from the information provided by Defendant
27 TomorrowNow in this response. Further, Defendants object to this request as compound and
28 unduly burdensome in that this request asks for "each file" and, thus, asks hundreds if not

1 thousands of separate questions and would require the review of substantial amounts of data.
2 This request, therefore, does not separately state each matter sought. Moreover, Defendants
3 object to this request on the basis that Defendants' burden associated with responding to this
4 request is substantially similar to the burden for Plaintiffs to obtain the information sought
5 through this request, especially because the available documents, data and other information
6 sought from which the answer, if any, could be derived in response to this request have been
7 produced by Defendants in response to Plaintiffs' other discovery requests and thus any relevant,
8 available information is now as equally accessible to Plaintiffs as it is to Defendants. Defendants
9 also object to the extent that this request improperly attempts to shift Plaintiffs' burden of proof to
10 Defendants. Subject to and without waiving the foregoing objections and qualifications,
11 Defendants respond as follows:

12 ADMITTED for the vast majority.

13 **REQUEST NO. 21:**

14 For each file located in TN-FS01_F\C\Siebel\Clients\CSBP, as identified in Defendants'
15 responses to Interrogatory 11 from Oracle Corp.'s first set, admit that the file was originally
16 downloaded from an Oracle website by SAP TN.

17 **RESPONSE:**

18 Defendants object to this request on the grounds stated in the General Objections and
19 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with
20 respect to the information sought in this request because Defendants SAP AG and SAP America
21 have no additional knowledge separate and apart from the information provided by Defendant
22 TomorrowNow in this response. Further, Defendants object to this request as compound and
23 unduly burdensome in that this request asks for "each file" and, thus, asks hundreds if not
24 thousands of separate questions and would require the review of substantial amounts of data.
25 This request, therefore, does not separately state each matter sought. Moreover, Defendants
26 object to this request on the basis that Defendants' burden associated with responding to this
27 request is substantially similar to the burden for Plaintiffs to obtain the information sought
28 through this request, especially because the available documents, data and other information

1 sought from which the answer, if any, could be derived in response to this request have been
2 produced by Defendants in response to Plaintiffs' other discovery requests and thus any relevant,
3 available information is now as equally accessible to Plaintiffs as it is to Defendants. Defendants
4 also object to the extent that this request improperly attempts to shift Plaintiffs' burden of proof to
5 Defendants. Subject to and without waiving the foregoing objections and qualifications,
6 Defendants respond as follows:

7 ADMITTED for the vast majority.

8 **REQUEST NO. 22:**

9 For each file located in TN-FS01_F\C\Siebel\Clients\Everdream, as identified in
10 Defendants' responses to Interrogatory 11 from Oracle Corp.'s first set, admit that the file was
11 originally downloaded from an Oracle website by SAP TN.

12 **RESPONSE:**

13 Defendants object to this request on the grounds stated in the General Objections and
14 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with
15 respect to the information sought in this request because Defendants SAP AG and SAP America
16 have no additional knowledge separate and apart from the information provided by Defendant
17 TomorrowNow in this response. Further, Defendants object to this request as compound and
18 unduly burdensome in that this request asks for "each file" and, thus, asks hundreds if not
19 thousands of separate questions and would require the review of substantial amounts of data.
20 This request, therefore, does not separately state each matter sought. Moreover, Defendants
21 object to this request on the basis that Defendants' burden associated with responding to this
22 request is substantially similar to the burden for Plaintiffs to obtain the information sought
23 through this request, especially because the available documents, data and other information
24 sought from which the answer, if any, could be derived in response to this request have been
25 produced by Defendants in response to Plaintiffs' other discovery requests and thus any relevant,
26 available information is now as equally accessible to Plaintiffs as it is to Defendants. Defendants
27 also object to the extent that this request improperly attempts to shift Plaintiffs' burden of proof to
28 Defendants. Subject to and without waiving the foregoing objections and qualifications,

1 Defendants respond as follows:

2 ADMITTED for the vast majority.

3 **REQUEST NO. 23:**

4 For each file located in TN-FS01_F\C\Siebel\Clients\FSC, as identified in Defendants'
5 responses to Interrogatory 11 from Oracle Corp.'s first set, admit that the file was originally
6 downloaded from an Oracle website by SAP TN.

7 **RESPONSE:**

8 Defendants object to this request on the grounds stated in the General Objections and
9 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with
10 respect to the information sought in this request because Defendants SAP AG and SAP America
11 have no additional knowledge separate and apart from the information provided by Defendant
12 TomorrowNow in this response. Further, Defendants object to this request as compound and
13 unduly burdensome in that this request asks for "each file" and, thus, asks hundreds if not
14 thousands of separate questions and would require the review of substantial amounts of data.
15 This request, therefore, does not separately state each matter sought. Moreover, Defendants
16 object to this request on the basis that Defendants' burden associated with responding to this
17 request is substantially similar to the burden for Plaintiffs to obtain the information sought
18 through this request, especially because the available documents, data and other information
19 sought from which the answer, if any, could be derived in response to this request have been
20 produced by Defendants in response to Plaintiffs' other discovery requests and thus any relevant,
21 available information is now as equally accessible to Plaintiffs as it is to Defendants. Defendants
22 also object to the extent that this request improperly attempts to shift Plaintiffs' burden of proof to
23 Defendants. Subject to and without waiving the foregoing objections and qualifications,

24 Defendants respond as follows:

25 ADMITTED for the vast majority.

26 **REQUEST NO. 24:**

27 For each file located in TN-FS01_F\C\Siebel\Clients\MKS, as identified in Defendants'
28 responses to Interrogatory 11 from Oracle Corp.'s first set, admit that the file was originally

1 downloaded from an Oracle website by SAP TN.

2 **RESPONSE:**

3 Defendants object to this request on the grounds stated in the General Objections and
4 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with
5 respect to the information sought in this request because Defendants SAP AG and SAP America
6 have no additional knowledge separate and apart from the information provided by Defendant
7 TomorrowNow in this response. Further, Defendants object to this request as compound and
8 unduly burdensome in that this request asks for "each file" and, thus, asks hundreds if not
9 thousands of separate questions and would require the review of substantial amounts of data.
10 This request, therefore, does not separately state each matter sought. Moreover, Defendants
11 object to this request on the basis that Defendants' burden associated with responding to this
12 request is substantially similar to the burden for Plaintiffs to obtain the information sought
13 through this request, especially because the available documents, data and other information
14 sought from which the answer, if any, could be derived in response to this request have been
15 produced by Defendants in response to Plaintiffs' other discovery requests and thus any relevant,
16 available information is now as equally accessible to Plaintiffs as it is to Defendants. Defendants
17 also object to the extent that this request improperly attempts to shift Plaintiffs' burden of proof to
18 Defendants. Subject to and without waiving the foregoing objections and qualifications,
19 Defendants respond as follows:

20 ADMITTED for the vast majority.

21 **REQUEST NO. 25:**

22 For each file located in TN-FS01_F\C\Siebel\Clients\NextiraOne, as identified in
23 Defendants' responses to Interrogatory 11 from Oracle Corp.'s first set, admit that the file was
24 originally downloaded from an Oracle website by SAP TN.

25 **RESPONSE:**

26 Defendants object to this request on the grounds stated in the General Objections and
27 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with
28 respect to the information sought in this request because Defendants SAP AG and SAP America

1 have no additional knowledge separate and apart from the information provided by Defendant
2 TomorrowNow in this response. Further, Defendants object to this request as compound and
3 unduly burdensome in that this request asks for “each file” and, thus, asks hundreds if not
4 thousands of separate questions and would require the review of substantial amounts of data.
5 This request, therefore, does not separately state each matter sought. Moreover, Defendants
6 object to this request on the basis that Defendants’ burden associated with responding to this
7 request is substantially similar to the burden for Plaintiffs to obtain the information sought
8 through this request, especially because the available documents, data and other information
9 sought from which the answer, if any, could be derived in response to this request have been
10 produced by Defendants in response to Plaintiffs’ other discovery requests and thus any relevant,
11 available information is now as equally accessible to Plaintiffs as it is to Defendants. Defendants
12 also object to the extent that this request improperly attempts to shift Plaintiffs’ burden of proof to
13 Defendants. Subject to and without waiving the foregoing objections and qualifications,
14 Defendants respond as follows:

15 ADMITTED for the vast majority.

16 **REQUEST NO. 26:**

17 For each file located in TN-FS01_F\C\Siebel\Clients\Pomeroy, as identified in
18 Defendants’ responses to Interrogatory 11 from Oracle Corp.’s first set, admit that the file was
19 originally downloaded from an Oracle website by SAP TN.

20 **RESPONSE:**

21 Defendants object to this request on the grounds stated in the General Objections and
22 Responses. Defendants’ response is based solely on Defendant TomorrowNow’s knowledge with
23 respect to the information sought in this request because Defendants SAP AG and SAP America
24 have no additional knowledge separate and apart from the information provided by Defendant
25 TomorrowNow in this response. Further, Defendants object to this request as compound and
26 unduly burdensome in that this request asks for “each file” and, thus, asks hundreds if not
27 thousands of separate questions and would require the review of substantial amounts of data.
28 This request, therefore, does not separately state each matter sought. Moreover, Defendants

1 object to this request on the basis that Defendants' burden associated with responding to this
2 request is substantially similar to the burden for Plaintiffs to obtain the information sought
3 through this request, especially because the available documents, data and other information
4 sought from which the answer, if any, could be derived in response to this request have been
5 produced by Defendants in response to Plaintiffs' other discovery requests and thus any relevant,
6 available information is now as equally accessible to Plaintiffs as it is to Defendants. Defendants
7 also object to the extent that this request improperly attempts to shift Plaintiffs' burden of proof to
8 Defendants. Subject to and without waiving the foregoing objections and qualifications,
9 Defendants respond as follows:

10 ADMITTED for the vast majority.

11 **REQUEST NO. 27:**

12 For each file located in TN-FS01_F\C\Siebel\Clients\PSCU Financial Services, as
13 identified in Defendants' responses to Interrogatory 11 from Oracle Corp.'s first set, admit that
14 the file was originally downloaded from an Oracle website by SAP TN.

15 **RESPONSE:**

16 Defendants object to this request on the grounds stated in the General Objections and
17 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with
18 respect to the information sought in this request because Defendants SAP AG and SAP America
19 have no additional knowledge separate and apart from the information provided by Defendant
20 TomorrowNow in this response. Further, Defendants object to this request as compound and
21 unduly burdensome in that this request asks for "each file" and, thus, asks hundreds if not
22 thousands of separate questions and would require the review of substantial amounts of data.
23 This request, therefore, does not separately state each matter sought. Moreover, Defendants
24 object to this request on the basis that Defendants' burden associated with responding to this
25 request is substantially similar to the burden for Plaintiffs to obtain the information sought
26 through this request, especially because the available documents, data and other information
27 sought from which the answer, if any, could be derived in response to this request have been
28 produced by Defendants in response to Plaintiffs' other discovery requests and thus any relevant,

1 available information is now as equally accessible to Plaintiffs as it is to Defendants. Defendants
2 also object to the extent that this request improperly attempts to shift Plaintiffs' burden of proof to
3 Defendants. Subject to and without waiving the foregoing objections and qualifications,
4 Defendants respond as follows:

5 ADMITTED for the vast majority.

6 **REQUEST NO. 28:**

7 For each file located in TN-FS01_F\C\Siebel\Clients\Rockwell, as identified in
8 Defendants' responses to Interrogatory 11 from Oracle Corp.'s first set, admit that the file was
9 originally downloaded from an Oracle website by SAP TN.

10 **RESPONSE:**

11 Defendants object to this request on the grounds stated in the General Objections and
12 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with
13 respect to the information sought in this request because Defendants SAP AG and SAP America
14 have no additional knowledge separate and apart from the information provided by Defendant
15 TomorrowNow in this response. Further, Defendants object to this request as compound and
16 unduly burdensome in that this request asks for "each file" and, thus, asks hundreds if not
17 thousands of separate questions and would require the review of substantial amounts of data.
18 This request, therefore, does not separately state each matter sought. Moreover, Defendants
19 object to this request on the basis that Defendants' burden associated with responding to this
20 request is substantially similar to the burden for Plaintiffs to obtain the information sought
21 through this request, especially because the available documents, data and other information
22 sought from which the answer, if any, could be derived in response to this request have been
23 produced by Defendants in response to Plaintiffs' other discovery requests and thus any relevant,
24 available information is now as equally accessible to Plaintiffs as it is to Defendants. Defendants
25 also object to the extent that this request improperly attempts to shift Plaintiffs' burden of proof to
26 Defendants. Subject to and without waiving the foregoing objections and qualifications,
27 Defendants respond as follows:

28 ADMITTED for the vast majority.

1 **REQUEST NO. 29:**

2 For each file located in TN-FS01_F\C\Siebel\Clients\Smart Center, as identified in
3 Defendants' responses to Interrogatory 11 from Oracle Corp.'s first set, admit that the file was
4 originally downloaded from an Oracle website by SAP TN.

5 **RESPONSE:**

6 Defendants object to this request on the grounds stated in the General Objections and
7 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with
8 respect to the information sought in this request because Defendants SAP AG and SAP America
9 have no additional knowledge separate and apart from the information provided by Defendant
10 TomorrowNow in this response. Further, Defendants object to this request as compound and
11 unduly burdensome in that this request asks for "each file" and, thus, asks hundreds if not
12 thousands of separate questions and would require the review of substantial amounts of data.
13 This request, therefore, does not separately state each matter sought. Moreover, Defendants
14 object to this request on the basis that Defendants' burden associated with responding to this
15 request is substantially similar to the burden for Plaintiffs to obtain the information sought
16 through this request, especially because the available documents, data and other information
17 sought from which the answer, if any, could be derived in response to this request have been
18 produced by Defendants in response to Plaintiffs' other discovery requests and thus any relevant,
19 available information is now as equally accessible to Plaintiffs as it is to Defendants. Defendants
20 also object to the extent that this request improperly attempts to shift Plaintiffs' burden of proof to
21 Defendants. Subject to and without waiving the foregoing objections and qualifications,
22 Defendants respond as follows:

23 ADMITTED for the vast majority.

24 **REQUEST NO. 30:**

25 For each file located in TN-FS01_F\C\Siebel\Clients\Standard Register, as identified in
26 Defendants' responses to Interrogatory 11 from Oracle Corp.'s first set, admit that the file was
27 originally downloaded from an Oracle website by SAP TN.
28

RESPONSE:

Defendants object to this request on the grounds stated in the General Objections and Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant TomorrowNow in this response. Further, Defendants object to this request as compound and unduly burdensome in that this request asks for "each file" and, thus, asks hundreds if not thousands of separate questions and would require the review of substantial amounts of data. This request, therefore, does not separately state each matter sought. Moreover, Defendants object to this request on the basis that Defendants' burden associated with responding to this request is substantially similar to the burden for Plaintiffs to obtain the information sought through this request, especially because the available documents, data and other information sought from which the answer, if any, could be derived in response to this request have been produced by Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available information is now as equally accessible to Plaintiffs as it is to Defendants. Defendants also object to the extent that this request improperly attempts to shift Plaintiffs' burden of proof to Defendants. Subject to and without waiving the foregoing objections and qualifications, Defendants respond as follows:

ADMITTED for the vast majority.

REQUEST NO. 31:

For each file located in DCITBU01_G\Siebel\Actel, as identified in Defendants' responses to Interrogatory 11 from Oracle Corp.'s first set, admit that the file was originally downloaded from an Oracle website by SAP TN.

RESPONSE:

Defendants object to this request on the grounds stated in the General Objections and Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant

1 TomorrowNow in this response. Further, Defendants object to this request as compound and
2 unduly burdensome in that this request asks for “each file” and, thus, asks hundreds if not
3 thousands of separate questions and would require the review of substantial amounts of data.
4 This request, therefore, does not separately state each matter sought. Moreover, Defendants
5 object to this request on the basis that Defendants’ burden associated with responding to this
6 request is substantially similar to the burden for Plaintiffs to obtain the information sought
7 through this request, especially because the available documents, data and other information
8 sought from which the answer, if any, could be derived in response to this request have been
9 produced by Defendants in response to Plaintiffs’ other discovery requests and thus any relevant,
10 available information is now as equally accessible to Plaintiffs as it is to Defendants. Defendants
11 also object to the extent that this request improperly attempts to shift Plaintiffs’ burden of proof to
12 Defendants. Subject to and without waiving the foregoing objections and qualifications,
13 Defendants respond as follows:

14 ADMITTED for the vast majority.

15 **REQUEST NO. 32:**

16 For each file located in DCITBU01_G\Siebel\PSCU Financial Services, as identified in
17 Defendants’ responses to Interrogatory 11 from Oracle Corp.’s first set, admit that the file was
18 originally downloaded from an Oracle website by SAP TN.

19 **RESPONSE:**

20 Defendants object to this request on the grounds stated in the General Objections and
21 Responses. Defendants’ response is based solely on Defendant TomorrowNow’s knowledge with
22 respect to the information sought in this request because Defendants SAP AG and SAP America
23 have no additional knowledge separate and apart from the information provided by Defendant
24 TomorrowNow in this response. Further, Defendants object to this request as compound and
25 unduly burdensome in that this request asks for “each file” and, thus, asks hundreds if not
26 thousands of separate questions and would require the review of substantial amounts of data.
27 This request, therefore, does not separately state each matter sought. Moreover, Defendants
28 object to this request on the basis that Defendants’ burden associated with responding to this

1 request is substantially similar to the burden for Plaintiffs to obtain the information sought
2 through this request, especially because the available documents, data and other information
3 sought from which the answer, if any, could be derived in response to this request have been
4 produced by Defendants in response to Plaintiffs' other discovery requests and thus any relevant,
5 available information is now as equally accessible to Plaintiffs as it is to Defendants. Defendants
6 also object to the extent that this request improperly attempts to shift Plaintiffs' burden of proof to
7 Defendants. Subject to and without waiving the foregoing objections and qualifications,
8 Defendants respond as follows:

9 ADMITTED for the vast majority.

10 **REQUEST NO. 33:**

11 For each file located in DCITBU01_G\Siebel\Standard Register, as identified in
12 Defendants' responses to Interrogatory 11 from Oracle Corp.'s first set, admit that the file was
13 originally downloaded from an Oracle website by SAP TN.

14 **RESPONSE:**

15 Defendants object to this request on the grounds stated in the General Objections and
16 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with
17 respect to the information sought in this request because Defendants SAP AG and SAP America
18 have no additional knowledge separate and apart from the information provided by Defendant
19 TomorrowNow in this response. Further, Defendants object to this request as compound and
20 unduly burdensome in that this request asks for "each file" and, thus, asks hundreds if not
21 thousands of separate questions and would require the review of substantial amounts of data.
22 This request, therefore, does not separately state each matter sought. Moreover, Defendants
23 object to this request on the basis that Defendants' burden associated with responding to this
24 request is substantially similar to the burden for Plaintiffs to obtain the information sought
25 through this request, especially because the available documents, data and other information
26 sought from which the answer, if any, could be derived in response to this request have been
27 produced by Defendants in response to Plaintiffs' other discovery requests and thus any relevant,
28 available information is now as equally accessible to Plaintiffs as it is to Defendants. Defendants

1 also object to the extent that this request improperly attempts to shift Plaintiffs' burden of proof to
2 Defendants. Subject to and without waiving the foregoing objections and qualifications,
3 Defendants respond as follows:

4 ADMITTED for the vast majority.

5 **REQUEST NO. 34:**

6 For each file located in DCITBU01_G\JDE\JDE Delivered Updates & Fixes, admit that
7 after a reasonable inquiry Defendants lack sufficient readily obtainable information to determine
8 that the file was not originally downloaded from an Oracle website by SAP TN.

9 **RESPONSE:**

10 Defendants object to this request on the grounds stated in the General Objections and
11 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with
12 respect to the information sought in this request because Defendants SAP AG and SAP America
13 have no additional knowledge separate and apart from the information provided by Defendant
14 TomorrowNow in this response. Further, Defendants object to this request as compound and
15 unduly burdensome in that this request asks for "each file" and, thus, asks hundreds if not
16 thousands of separate questions and would require the review of substantial amounts of data.
17 This request, therefore, does not separately state each matter sought. Moreover, Defendants
18 object that the request is unduly burdensome and improperly attempts to shift the burden to
19 Defendants to evaluate each and every file where the effort associated with responding to this
20 request is substantially similar for the parties, especially because the available documents, data
21 and other information sought from which the answer, if any, could be derived in response to this
22 request have been produced by Defendants in response to Plaintiffs' other discovery requests and
23 thus any relevant, available information is now as equally accessible to Plaintiffs as it is to
24 Defendants. Defendants also object to the extent that this request improperly attempts to shift
25 Plaintiffs' burden of proof to Defendants. Subject to and without waiving the foregoing
26 objections and qualifications, Defendants respond as follows:

27 DENIED.
28

1 **REQUEST NO. 35:**

2 For each file located in DCITBU01_G\PeopleSoft, admit that after a reasonable inquiry
3 Defendants lack sufficient readily obtainable information to determine that the file was not
4 originally downloaded from an Oracle website by SAP TN.

5 **RESPONSE:**

6 Defendants object to this request on the grounds stated in the General Objections and
7 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with
8 respect to the information sought in this request because Defendants SAP AG and SAP America
9 have no additional knowledge separate and apart from the information provided by Defendant
10 TomorrowNow in this response. Further, Defendants object to this request as compound and
11 unduly burdensome in that this request asks for "each file" and, thus, asks hundreds if not
12 thousands of separate questions and would require the review of substantial amounts of data.
13 This request, therefore, does not separately state each matter sought. Moreover, Defendants
14 object that the request is unduly burdensome and improperly attempts to shift the burden to
15 Defendants to evaluate each and every file where the effort associated with responding to this
16 request is substantially similar for the parties, especially because the available documents, data
17 and other information sought from which the answer, if any, could be derived in response to this
18 request have been produced by Defendants in response to Plaintiffs' other discovery requests and
19 thus any relevant, available information is now as equally accessible to Plaintiffs as it is to
20 Defendants. Defendants also object to the extent that this request improperly attempts to shift
21 Plaintiffs' burden of proof to Defendants. Subject to and without waiving the foregoing
22 objections and qualifications, Defendants respond as follows:

23 DENIED.

24 **REQUEST NO. 36:**

25 For each file located in DCDL1-2 and DCDL4-20, as identified in Defendants' responses
26 to Interrogatory 11 from Oracle Corp.'s first set, admit that after a reasonable inquiry Defendants
27 lack sufficient readily obtainable information to determine that the file was not originally
28 downloaded from an Oracle website by SAP TN.

RESPONSE:

Defendants object to this request on the grounds stated in the General Objections and Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant TomorrowNow in this response. Further, Defendants object to this request as compound and unduly burdensome in that this request asks for "each file" and, thus, asks hundreds if not thousands of separate questions and would require the review of substantial amounts of data. This request, therefore, does not separately state each matter sought. Moreover, Defendants object that the request is unduly burdensome and improperly attempts to shift the burden to Defendants to evaluate each and every file where the effort associated with responding to this request is substantially similar for the parties, especially because the available documents, data and other information sought from which the answer, if any, could be derived in response to this request have been produced by Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available information is now as equally accessible to Plaintiffs as it is to Defendants. Defendants also object to the extent that this request improperly attempts to shift Plaintiffs' burden of proof to Defendants. Subject to and without waiving the foregoing objections and qualifications, Defendants respond as follows:

ADMITTED for the minority.

REQUEST NO. 37:

For each file located in Tempstore_CE\D\PeopleSoft, as identified in Defendants' responses to Interrogatory 11 from Oracle Corp.'s first set, admit that after a reasonable inquiry Defendants lack sufficient readily obtainable information to determine that the file was not originally downloaded from an Oracle website by SAP TN.

RESPONSE:

Defendants object to this request on the grounds stated in the General Objections and Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America

1 have no additional knowledge separate and apart from the information provided by Defendant
2 TomorrowNow in this response. Further, Defendants object to this request as compound and
3 unduly burdensome in that this request asks for “each file” and, thus, asks hundreds if not
4 thousands of separate questions and would require the review of substantial amounts of data.
5 This request, therefore, does not separately state each matter sought. Moreover, Defendants
6 object that the request is unduly burdensome and improperly attempts to shift the burden to
7 Defendants to evaluate each and every file where the effort associated with responding to this
8 request is substantially similar for the parties, especially because the available documents, data
9 and other information sought from which the answer, if any, could be derived in response to this
10 request have been produced by Defendants in response to Plaintiffs’ other discovery requests and
11 thus any relevant, available information is now as equally accessible to Plaintiffs as it is to
12 Defendants. Defendants also object to the extent that this request improperly attempts to shift
13 Plaintiffs’ burden of proof to Defendants. Subject to and without waiving the foregoing
14 objections and qualifications, Defendants respond as follows:

15 DENIED.

16 **REQUEST NO. 38:**

17 For each file located in TN-FS01_F\C\DellRestore\F Drive\PS\PS Delivered Updates &
18 Fixes, as identified in Defendants’ responses to Interrogatory 11 from Oracle Corp.’s first set,
19 admit that after a reasonable inquiry Defendants lack sufficient readily obtainable information to
20 determine that the file was not originally downloaded from an Oracle website by SAP TN.

21 **RESPONSE:**

22 Defendants object to this request on the grounds stated in the General Objections and
23 Responses. Defendants’ response is based solely on Defendant TomorrowNow’s knowledge with
24 respect to the information sought in this request because Defendants SAP AG and SAP America
25 have no additional knowledge separate and apart from the information provided by Defendant
26 TomorrowNow in this response. Further, Defendants object to this request as compound and
27 unduly burdensome in that this request asks for “each file” and, thus, asks hundreds if not
28 thousands of separate questions and would require the review of substantial amounts of data.

1 This request, therefore, does not separately state each matter sought. Moreover, Defendants
2 object that the request is unduly burdensome and improperly attempts to shift the burden to
3 Defendants to evaluate each and every file where the effort associated with responding to this
4 request is substantially similar for the parties, especially because the available documents, data
5 and other information sought from which the answer, if any, could be derived in response to this
6 request have been produced by Defendants in response to Plaintiffs' other discovery requests and
7 thus any relevant, available information is now as equally accessible to Plaintiffs as it is to
8 Defendants. Defendants also object to the extent that this request improperly attempts to shift
9 Plaintiffs' burden of proof to Defendants. Subject to and without waiving the foregoing
10 objections and qualifications, Defendants respond as follows:

11 DENIED.

12 **REQUEST NO. 39:**

13 For each file located in JD-WSVR01_G\JDE\JDE Delivered Updates & Fixes, as
14 identified in Defendants' responses to Interrogatory 11 from Oracle Corp.'s first set, admit that
15 after a reasonable inquiry Defendants lack sufficient readily obtainable information to determine
16 that the file was not originally downloaded from an Oracle website by SAP TN.

17 **RESPONSE:**

18 Defendants object to this request on the grounds stated in the General Objections and
19 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with
20 respect to the information sought in this request because Defendants SAP AG and SAP America
21 have no additional knowledge separate and apart from the information provided by Defendant
22 TomorrowNow in this response. Further, Defendants object to this request as compound and
23 unduly burdensome in that this request asks for "each file" and, thus, asks hundreds if not
24 thousands of separate questions and would require the review of substantial amounts of data.
25 This request, therefore, does not separately state each matter sought. Moreover, Defendants
26 object that the request is unduly burdensome and improperly attempts to shift the burden to
27 Defendants to evaluate each and every file where the effort associated with responding to this
28 request is substantially similar for the parties, especially because the available documents, data

1 and other information sought from which the answer, if any, could be derived in response to this
2 request have been produced by Defendants in response to Plaintiffs' other discovery requests and
3 thus any relevant, available information is now as equally accessible to Plaintiffs as it is to
4 Defendants. Defendants also object to the extent that this request improperly attempts to shift
5 Plaintiffs' burden of proof to Defendants. Subject to and without waiving the foregoing
6 objections and qualifications, Defendants respond as follows:

7 DENIED.

8 **REQUEST NO. 40:**

9 For each file located in AS/400 ENT01 Partition, as identified in Defendants' responses to
10 Interrogatory 11 from Oracle Corp.'s first set, admit that after a reasonable inquiry Defendants
11 lack sufficient readily obtainable information to determine that the file was not originally
12 downloaded from an Oracle website by SAP TN.

13 **RESPONSE:**

14 Defendants object to this request on the grounds stated in the General Objections and
15 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with
16 respect to the information sought in this request because Defendants SAP AG and SAP America
17 have no additional knowledge separate and apart from the information provided by Defendant
18 TomorrowNow in this response. Further, Defendants object to this request as compound and
19 unduly burdensome in that this request asks for "each file" and, thus, asks hundreds if not
20 thousands of separate questions and would require the review of substantial amounts of data.
21 This request, therefore, does not separately state each matter sought. Moreover, Defendants
22 object that the request is unduly burdensome and improperly attempts to shift the burden to
23 Defendants to evaluate each and every file where the effort associated with responding to this
24 request is substantially similar for the parties, especially because the available documents, data
25 and other information sought from which the answer, if any, could be derived in response to this
26 request have been produced by Defendants in response to Plaintiffs' other discovery requests and
27 thus any relevant, available information is now as equally accessible to Plaintiffs as it is to
28 Defendants. Defendants also object to the extent that this request improperly attempts to shift

1 Plaintiffs' burden of proof to Defendants. Subject to and without waiving the foregoing
2 objections and qualifications, Defendants respond as follows:

3 DENIED.

4 **REQUEST NO. 41:**

5 For each file located in AS/400 World Partition, as identified in Defendants' responses to
6 Interrogatory 11 from Oracle Corp.'s first set, admit that after a reasonable inquiry Defendants
7 lack sufficient readily obtainable information to determine that the file was not originally
8 downloaded from an Oracle website by SAP TN.

9 **RESPONSE:**

10 Defendants object to this request on the grounds stated in the General Objections and
11 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with
12 respect to the information sought in this request because Defendants SAP AG and SAP America
13 have no additional knowledge separate and apart from the information provided by Defendant
14 TomorrowNow in this response. Further, Defendants object to this request as compound and
15 unduly burdensome in that this request asks for "each file" and, thus, asks hundreds if not
16 thousands of separate questions and would require the review of substantial amounts of data.
17 This request, therefore, does not separately state each matter sought. Moreover, Defendants
18 object that the request is unduly burdensome and improperly attempts to shift the burden to
19 Defendants to evaluate each and every file where the effort associated with responding to this
20 request is substantially similar for the parties, especially because the available documents, data
21 and other information sought from which the answer, if any, could be derived in response to this
22 request have been produced by Defendants in response to Plaintiffs' other discovery requests and
23 thus any relevant, available information is now as equally accessible to Plaintiffs as it is to
24 Defendants. Defendants also object to the extent that this request improperly attempts to shift
25 Plaintiffs' burden of proof to Defendants. Subject to and without waiving the foregoing
26 objections and qualifications, Defendants respond as follows:

27 DENIED.

28

REQUEST NO. 42:

For each file located in TN-FS02_E\Delivered Updates & Fixes, as identified in Defendants' responses to Interrogatory 11 from Oracle Corp.'s first set, admit that after a reasonable inquiry Defendants lack sufficient readily obtainable information to determine that the file was not originally downloaded from an Oracle website by SAP TN.

RESPONSE:

Defendants object to this request on the grounds stated in the General Objections and Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant TomorrowNow in this response. Further, Defendants object to this request as compound and unduly burdensome in that this request asks for "each file" and, thus, asks hundreds if not thousands of separate questions and would require the review of substantial amounts of data. This request, therefore, does not separately state each matter sought. Moreover, Defendants object that the request is unduly burdensome and improperly attempts to shift the burden to Defendants to evaluate each and every file where the effort associated with responding to this request is substantially similar for the parties, especially because the available documents, data and other information sought from which the answer, if any, could be derived in response to this request have been produced by Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available information is now as equally accessible to Plaintiffs as it is to Defendants. Defendants also object to the extent that this request improperly attempts to shift Plaintiffs' burden of proof to Defendants. Subject to and without waiving the foregoing objections and qualifications, Defendants respond as follows:

DENIED.

REQUEST NO. 43:

For each file located in TN-FS01_F\C\DellRestore\F Drive\Client Download Links, as identified in Defendants' responses to Interrogatory 11 from Oracle Corp.'s first set, admit that after a reasonable inquiry Defendants lack sufficient readily obtainable information to determine

1 that the file was not originally downloaded from an Oracle website by SAP TN.

2 **RESPONSE:**

3 Defendants object to this request on the grounds stated in the General Objections and
4 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with
5 respect to the information sought in this request because Defendants SAP AG and SAP America
6 have no additional knowledge separate and apart from the information provided by Defendant
7 TomorrowNow in this response. Further, Defendants object to this request as compound and
8 unduly burdensome in that this request asks for "each file" and, thus, asks hundreds if not
9 thousands of separate questions and would require the review of substantial amounts of data.
10 This request, therefore, does not separately state each matter sought. Moreover, Defendants
11 object that the request is unduly burdensome and improperly attempts to shift the burden to
12 Defendants to evaluate each and every file where the effort associated with responding to this
13 request is substantially similar for the parties, especially because the available documents, data
14 and other information sought from which the answer, if any, could be derived in response to this
15 request have been produced by Defendants in response to Plaintiffs' other discovery requests and
16 thus any relevant, available information is now as equally accessible to Plaintiffs as it is to
17 Defendants. Defendants also object to the extent that this request improperly attempts to shift
18 Plaintiffs' burden of proof to Defendants. Subject to and without waiving the foregoing
19 objections and qualifications, Defendants respond as follows:

20 DENIED.

21 **REQUEST NO. 44:**

22 For each file located in TN-FS01_F\C\DellRestore\F Drive\PS\JDE OneWorld
23 International Docs and Release Notes, as identified in Defendants' responses to Interrogatory 11
24 from Oracle Corp.'s first set, admit that after a reasonable inquiry Defendants lack sufficient
25 readily obtainable information to determine that the file was not originally downloaded from an
26 Oracle website by SAP TN.

27 **RESPONSE:**

28 Defendants object to this request on the grounds stated in the General Objections and

1 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with
2 respect to the information sought in this request because Defendants SAP AG and SAP America
3 have no additional knowledge separate and apart from the information provided by Defendant
4 TomorrowNow in this response. Further, Defendants object to this request as compound and
5 unduly burdensome in that this request asks for "each file" and, thus, asks hundreds if not
6 thousands of separate questions and would require the review of substantial amounts of data.
7 This request, therefore, does not separately state each matter sought. Moreover, Defendants
8 object that the request is unduly burdensome and improperly attempts to shift the burden to
9 Defendants to evaluate each and every file where the effort associated with responding to this
10 request is substantially similar for the parties, especially because the available documents, data
11 and other information sought from which the answer, if any, could be derived in response to this
12 request have been produced by Defendants in response to Plaintiffs' other discovery requests and
13 thus any relevant, available information is now as equally accessible to Plaintiffs as it is to
14 Defendants. Defendants also object to the extent that this request improperly attempts to shift
15 Plaintiffs' burden of proof to Defendants. Subject to and without waiving the foregoing
16 objections and qualifications, Defendants respond as follows:

17 DENIED.

18 **REQUEST NO. 45:**

19 For each file located in TN-FS01_F\C\DellRestore\F Drive\PS\JDE World International
20 Docs and Release Notes, as identified in Defendants' responses to Interrogatory 11 from Oracle
21 Corp.'s first set, admit that after a reasonable inquiry Defendants lack sufficient readily
22 obtainable information to determine that the file was not originally downloaded from an Oracle
23 website by SAP TN.

24 **RESPONSE:**

25 Defendants object to this request on the grounds stated in the General Objections and
26 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with
27 respect to the information sought in this request because Defendants SAP AG and SAP America
28 have no additional knowledge separate and apart from the information provided by Defendant

1 TomorrowNow in this response. Further, Defendants object to this request as compound and
2 unduly burdensome in that this request asks for “each file” and, thus, asks hundreds if not
3 thousands of separate questions and would require the review of substantial amounts of data.
4 This request, therefore, does not separately state each matter sought. Moreover, Defendants
5 object that the request is unduly burdensome and improperly attempts to shift the burden to
6 Defendants to evaluate each and every file where the effort associated with responding to this
7 request is substantially similar for the parties, especially because the available documents, data
8 and other information sought from which the answer, if any, could be derived in response to this
9 request have been produced by Defendants in response to Plaintiffs’ other discovery requests and
10 thus any relevant, available information is now as equally accessible to Plaintiffs as it is to
11 Defendants. Defendants also object to the extent that this request improperly attempts to shift
12 Plaintiffs’ burden of proof to Defendants. Subject to and without waiving the foregoing
13 objections and qualifications, Defendants respond as follows:

14 DENIED.

15 **REQUEST NO. 46:**

16 For each file located in JDDEV03\D\Downloads\PeopleSoft, as identified in Defendants’
17 responses to Interrogatory 11 from Oracle Corp.’s first set, admit that after a reasonable inquiry
18 Defendants lack sufficient readily obtainable information to determine that the file was not
19 originally downloaded from an Oracle website by SAP TN.

20 **RESPONSE:**

21 Defendants object to this request on the grounds stated in the General Objections and
22 Responses. Defendants’ response is based solely on Defendant TomorrowNow’s knowledge with
23 respect to the information sought in this request because Defendants SAP AG and SAP America
24 have no additional knowledge separate and apart from the information provided by Defendant
25 TomorrowNow in this response. Further, Defendants object to this request as compound and
26 unduly burdensome in that this request asks for “each file” and, thus, asks hundreds if not
27 thousands of separate questions and would require the review of substantial amounts of data.
28 This request, therefore, does not separately state each matter sought. Moreover, Defendants

1 object that the request is unduly burdensome and improperly attempts to shift the burden to
2 Defendants to evaluate each and every file where the effort associated with responding to this
3 request is substantially similar for the parties, especially because the available documents, data
4 and other information sought from which the answer, if any, could be derived in response to this
5 request have been produced by Defendants in response to Plaintiffs' other discovery requests and
6 thus any relevant, available information is now as equally accessible to Plaintiffs as it is to
7 Defendants. Defendants also object to the extent that this request improperly attempts to shift
8 Plaintiffs' burden of proof to Defendants. Subject to and without waiving the foregoing
9 objections and qualifications, Defendants respond as follows:

10 DENIED.

11 **REQUEST NO. 47:**

12 For each file located in JDDEV03\D\ESUhtm, as identified in Defendants' responses to
13 Interrogatory 11 from Oracle Corp.'s first set, admit that after a reasonable inquiry Defendants
14 lack sufficient readily obtainable information to determine that the file was not originally
15 downloaded from an Oracle website by SAP TN.

16 **RESPONSE:**

17 Defendants object to this request on the grounds stated in the General Objections and
18 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with
19 respect to the information sought in this request because Defendants SAP AG and SAP America
20 have no additional knowledge separate and apart from the information provided by Defendant
21 TomorrowNow in this response. Further, Defendants object to this request as compound and
22 unduly burdensome in that this request asks for "each file" and, thus, asks hundreds if not
23 thousands of separate questions and would require the review of substantial amounts of data.
24 This request, therefore, does not separately state each matter sought. Moreover, Defendants
25 object that the request is unduly burdensome and improperly attempts to shift the burden to
26 Defendants to evaluate each and every file where the effort associated with responding to this
27 request is substantially similar for the parties, especially because the available documents, data
28 and other information sought from which the answer, if any, could be derived in response to this

1 request have been produced by Defendants in response to Plaintiffs' other discovery requests and
2 thus any relevant, available information is now as equally accessible to Plaintiffs as it is to
3 Defendants. Defendants also object to the extent that this request improperly attempts to shift
4 Plaintiffs' burden of proof to Defendants. Subject to and without waiving the foregoing
5 objections and qualifications, Defendants respond as follows:

6 DENIED.

7 **REQUEST NO. 48:**

8 For each file located in SBLPROD02\SupportWeb-2007.03.11-
9 PSCU_Financial_Services.rar, as identified in Defendants' responses to Interrogatory 11 from
10 Oracle Corp.'s first set, admit that after a reasonable inquiry Defendants lack sufficient readily
11 obtainable information to determine that the file was not originally downloaded from an Oracle
12 website by SAP TN.

13 **RESPONSE:**

14 Defendants object to this request on the grounds stated in the General Objections and
15 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with
16 respect to the information sought in this request because Defendants SAP AG and SAP America
17 have no additional knowledge separate and apart from the information provided by Defendant
18 TomorrowNow in this response. Further, Defendants object to this request as compound and
19 unduly burdensome in that this request asks for "each file" and, thus, asks hundreds if not
20 thousands of separate questions and would require the review of substantial amounts of data.
21 This request, therefore, does not separately state each matter sought. Moreover, Defendants
22 object that the request is unduly burdensome and improperly attempts to shift the burden to
23 Defendants to evaluate each and every file where the effort associated with responding to this
24 request is substantially similar for the parties, especially because the available documents, data
25 and other information sought from which the answer, if any, could be derived in response to this
26 request have been produced by Defendants in response to Plaintiffs' other discovery requests and
27 thus any relevant, available information is now as equally accessible to Plaintiffs as it is to
28 Defendants. Defendants also object to the extent that this request improperly attempts to shift

1 Plaintiffs' burden of proof to Defendants. Subject to and without waiving the foregoing
2 objections and qualifications, Defendants respond as follows:

3 DENIED.

4 **REQUEST NO. 49:**

5 For each file located in TN-FS01_F\C\Siebel\Clients\Actel, as identified in Defendants'
6 responses to Interrogatory 11 from Oracle Corp.'s first set, admit that after a reasonable inquiry
7 Defendants lack sufficient readily obtainable information to determine that the file was not
8 originally downloaded from an Oracle website by SAP TN.

9 **RESPONSE:**

10 Defendants object to this request on the grounds stated in the General Objections and
11 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with
12 respect to the information sought in this request because Defendants SAP AG and SAP America
13 have no additional knowledge separate and apart from the information provided by Defendant
14 TomorrowNow in this response. Further, Defendants object to this request as compound and
15 unduly burdensome in that this request asks for "each file" and, thus, asks hundreds if not
16 thousands of separate questions and would require the review of substantial amounts of data.
17 This request, therefore, does not separately state each matter sought. Moreover, Defendants
18 object that the request is unduly burdensome and improperly attempts to shift the burden to
19 Defendants to evaluate each and every file where the effort associated with responding to this
20 request is substantially similar for the parties, especially because the available documents, data
21 and other information sought from which the answer, if any, could be derived in response to this
22 request have been produced by Defendants in response to Plaintiffs' other discovery requests and
23 thus any relevant, available information is now as equally accessible to Plaintiffs as it is to
24 Defendants. Defendants also object to the extent that this request improperly attempts to shift
25 Plaintiffs' burden of proof to Defendants. Subject to and without waiving the foregoing
26 objections and qualifications, Defendants respond as follows:

27 DENIED.

28

REQUEST NO. 50:

For each file located in TN-FS01_F\C\Siebel\Clients\ATX, as identified in Defendants' responses to Interrogatory 11 from Oracle Corp.'s first set, admit that after a reasonable inquiry Defendants lack sufficient readily obtainable information to determine that the file was not originally downloaded from an Oracle website by SAP TN.

RESPONSE:

Defendants object to this request on the grounds stated in the General Objections and Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant TomorrowNow in this response. Further, Defendants object to this request as compound and unduly burdensome in that this request asks for "each file" and, thus, asks hundreds if not thousands of separate questions and would require the review of substantial amounts of data. This request, therefore, does not separately state each matter sought. Moreover, Defendants object that the request is unduly burdensome and improperly attempts to shift the burden to Defendants to evaluate each and every file where the effort associated with responding to this request is substantially similar for the parties, especially because the available documents, data and other information sought from which the answer, if any, could be derived in response to this request have been produced by Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available information is now as equally accessible to Plaintiffs as it is to Defendants. Defendants also object to the extent that this request improperly attempts to shift Plaintiffs' burden of proof to Defendants. Subject to and without waiving the foregoing objections and qualifications, Defendants respond as follows:

DENIED.

REQUEST NO. 51:

For each file located in TN-FS01_F\C\Siebel\Clients\CSBP, as identified in Defendants' responses to Interrogatory 11 from Oracle Corp.'s first set, admit that after a reasonable inquiry Defendants lack sufficient readily obtainable information to determine that the file was not

1 originally downloaded from an Oracle website by SAP TN.

2 **RESPONSE:**

3 Defendants object to this request on the grounds stated in the General Objections and
4 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with
5 respect to the information sought in this request because Defendants SAP AG and SAP America
6 have no additional knowledge separate and apart from the information provided by Defendant
7 TomorrowNow in this response. Further, Defendants object to this request as compound and
8 unduly burdensome in that this request asks for "each file" and, thus, asks hundreds if not
9 thousands of separate questions and would require the review of substantial amounts of data.
10 This request, therefore, does not separately state each matter sought. Moreover, Defendants
11 object that the request is unduly burdensome and improperly attempts to shift the burden to
12 Defendants to evaluate each and every file where the effort associated with responding to this
13 request is substantially similar for the parties, especially because the available documents, data
14 and other information sought from which the answer, if any, could be derived in response to this
15 request have been produced by Defendants in response to Plaintiffs' other discovery requests and
16 thus any relevant, available information is now as equally accessible to Plaintiffs as it is to
17 Defendants. Defendants also object to the extent that this request improperly attempts to shift
18 Plaintiffs' burden of proof to Defendants. Subject to and without waiving the foregoing
19 objections and qualifications, Defendants respond as follows:

20 DENIED.

21 **REQUEST NO. 52:**

22 For each file located in TN-FS01_F\C\Siebel\Clients\Everdream, as identified in
23 Defendants' responses to Interrogatory 11 from Oracle Corp.'s first set, admit that after a
24 reasonable inquiry Defendants lack sufficient readily obtainable information to determine that the
25 file was not originally downloaded from an Oracle website by SAP TN.

26 **RESPONSE:**

27 Defendants object to this request on the grounds stated in the General Objections and
28 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with

1 respect to the information sought in this request because Defendants SAP AG and SAP America
2 have no additional knowledge separate and apart from the information provided by Defendant
3 TomorrowNow in this response. Further, Defendants object to this request as compound and
4 unduly burdensome in that this request asks for “each file” and, thus, asks hundreds if not
5 thousands of separate questions and would require the review of substantial amounts of data.
6 This request, therefore, does not separately state each matter sought. Moreover, Defendants
7 object that the request is unduly burdensome and improperly attempts to shift the burden to
8 Defendants to evaluate each and every file where the effort associated with responding to this
9 request is substantially similar for the parties, especially because the available documents, data
10 and other information sought from which the answer, if any, could be derived in response to this
11 request have been produced by Defendants in response to Plaintiffs’ other discovery requests and
12 thus any relevant, available information is now as equally accessible to Plaintiffs as it is to
13 Defendants. Defendants also object to the extent that this request improperly attempts to shift
14 Plaintiffs’ burden of proof to Defendants. Subject to and without waiving the foregoing
15 objections and qualifications, Defendants respond as follows:

16 DENIED.

17 **REQUEST NO. 53:**

18 For each file located in TN-FS01_F\C\Siebel\Clients\FSC, as identified in Defendants’
19 responses to Interrogatory 11 from Oracle Corp.’s first set, admit that after a reasonable inquiry
20 Defendants lack sufficient readily obtainable information to determine that the file was not
21 originally downloaded from an Oracle website by SAP TN.

22 **RESPONSE:**

23 Defendants object to this request on the grounds stated in the General Objections and
24 Responses. Defendants’ response is based solely on Defendant TomorrowNow’s knowledge with
25 respect to the information sought in this request because Defendants SAP AG and SAP America
26 have no additional knowledge separate and apart from the information provided by Defendant
27 TomorrowNow in this response. Further, Defendants object to this request as compound and
28 unduly burdensome in that this request asks for “each file” and, thus, asks hundreds if not

1 thousands of separate questions and would require the review of substantial amounts of data.
2 This request, therefore, does not separately state each matter sought. Moreover, Defendants
3 object that the request is unduly burdensome and improperly attempts to shift the burden to
4 Defendants to evaluate each and every file where the effort associated with responding to this
5 request is substantially similar for the parties, especially because the available documents, data
6 and other information sought from which the answer, if any, could be derived in response to this
7 request have been produced by Defendants in response to Plaintiffs' other discovery requests and
8 thus any relevant, available information is now as equally accessible to Plaintiffs as it is to
9 Defendants. Defendants also object to the extent that this request improperly attempts to shift
10 Plaintiffs' burden of proof to Defendants. Subject to and without waiving the foregoing
11 objections and qualifications, Defendants respond as follows:

12 DENIED.

13 **REQUEST NO. 54:**

14 For each file located in TN-FS01_F\C\Siebel\Clients\MKS, as identified in Defendants'
15 responses to Interrogatory 11 from Oracle Corp.'s first set, admit that after a reasonable inquiry
16 Defendants lack sufficient readily obtainable information to determine that the file was not
17 originally downloaded from an Oracle website by SAP TN.

18 **RESPONSE:**

19 Defendants object to this request on the grounds stated in the General Objections and
20 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with
21 respect to the information sought in this request because Defendants SAP AG and SAP America
22 have no additional knowledge separate and apart from the information provided by Defendant
23 TomorrowNow in this response. Further, Defendants object to this request as compound and
24 unduly burdensome in that this request asks for "each file" and, thus, asks hundreds if not
25 thousands of separate questions and would require the review of substantial amounts of data.
26 This request, therefore, does not separately state each matter sought. Moreover, Defendants
27 object that the request is unduly burdensome and improperly attempts to shift the burden to
28 Defendants to evaluate each and every file where the effort associated with responding to this

1 request is substantially similar for the parties, especially because the available documents, data
2 and other information sought 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. Defendants also object to the extent that this request improperly attempts to shift
6 Plaintiffs' burden of proof to Defendants. Subject to and without waiving the foregoing
7 objections and qualifications, Defendants respond as follows:

8 DENIED.

9 **REQUEST NO. 55:**

10 For each file located in TN-FS01_F\C\Siebel\Clients\NextiraOne, as identified in
11 Defendants' responses to Interrogatory 11 from Oracle Corp.'s first set, admit that after a
12 reasonable inquiry Defendants lack sufficient readily obtainable information to determine that the
13 file was not originally downloaded from an Oracle website by SAP TN.

14 **RESPONSE:**

15 Defendants object to this request on the grounds stated in the General Objections and
16 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with
17 respect to the information sought in this request because Defendants SAP AG and SAP America
18 have no additional knowledge separate and apart from the information provided by Defendant
19 TomorrowNow in this response. Further, Defendants object to this request as compound and
20 unduly burdensome in that this request asks for "each file" and, thus, asks hundreds if not
21 thousands of separate questions and would require the review of substantial amounts of data.
22 This request, therefore, does not separately state each matter sought. Moreover, Defendants
23 object that the request is unduly burdensome and improperly attempts to shift the burden to
24 Defendants to evaluate each and every file where the effort associated with responding to this
25 request is substantially similar for the parties, especially because the available documents, data
26 and other information sought from which the answer, if any, could be derived in response to this
27 request have been produced by Defendants in response to Plaintiffs' other discovery requests and
28 thus any relevant, available information is now as equally accessible to Plaintiffs as it is to

1 Defendants. Defendants also object to the extent that this request improperly attempts to shift
2 Plaintiffs' burden of proof to Defendants. Subject to and without waiving the foregoing
3 objections and qualifications, Defendants respond as follows:

4 DENIED.

5 **REQUEST NO. 56:**

6 For each file located in TN-FS01_F\C\Siebel\Clients\Pomeroy, as identified in
7 Defendants' responses to Interrogatory 11 from Oracle Corp.'s first set, admit that after a
8 reasonable inquiry Defendants lack sufficient readily obtainable information to determine that the
9 file was not originally downloaded from an Oracle website by SAP TN.

10 **RESPONSE:**

11 Defendants object to this request on the grounds stated in the General Objections and
12 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with
13 respect to the information sought in this request because Defendants SAP AG and SAP America
14 have no additional knowledge separate and apart from the information provided by Defendant
15 TomorrowNow in this response. Further, Defendants object to this request as compound and
16 unduly burdensome in that this request asks for "each file" and, thus, asks hundreds if not
17 thousands of separate questions and would require the review of substantial amounts of data.
18 This request, therefore, does not separately state each matter sought. Moreover, Defendants
19 object that the request is unduly burdensome and improperly attempts to shift the burden to
20 Defendants to evaluate each and every file where the effort associated with responding to this
21 request is substantially similar for the parties, especially because the available documents, data
22 and other information sought from which the answer, if any, could be derived in response to this
23 request have been produced by Defendants in response to Plaintiffs' other discovery requests and
24 thus any relevant, available information is now as equally accessible to Plaintiffs as it is to
25 Defendants. Defendants also object to the extent that this request improperly attempts to shift
26 Plaintiffs' burden of proof to Defendants. Subject to and without waiving the foregoing
27 objections and qualifications, Defendants respond as follows:

28 DENIED.

REQUEST NO. 57:

For each file located in TN-FS01_F\C\Siebel\Clients\PSCU Financial Services, as identified in Defendants' responses to Interrogatory 11 from Oracle Corp.'s first set, admit that after a reasonable inquiry Defendants lack sufficient readily obtainable information to determine that the file was not originally downloaded from an Oracle website by SAP TN.

RESPONSE:

Defendants object to this request on the grounds stated in the General Objections and Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant TomorrowNow in this response. Further, Defendants object to this request as compound and unduly burdensome in that this request asks for "each file" and, thus, asks hundreds if not thousands of separate questions and would require the review of substantial amounts of data. This request, therefore, does not separately state each matter sought. Moreover, Defendants object that the request is unduly burdensome and improperly attempts to shift the burden to Defendants to evaluate each and every file where the effort associated with responding to this request is substantially similar for the parties, especially because the available documents, data and other information sought from which the answer, if any, could be derived in response to this request have been produced by Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available information is now as equally accessible to Plaintiffs as it is to Defendants. Defendants also object to the extent that this request improperly attempts to shift Plaintiffs' burden of proof to Defendants. Subject to and without waiving the foregoing objections and qualifications, Defendants respond as follows:

DENIED.

REQUEST NO. 58:

For each file located in TN-FS01_F\C\Siebel\Clients\Rockwell, as identified in Defendants' responses to Interrogatory 11 from Oracle Corp.'s first set, admit that after a reasonable inquiry Defendants lack sufficient readily obtainable information to determine that the

1 file was not originally downloaded from an Oracle website by SAP TN.

2 **RESPONSE:**

3 Defendants object to this request on the grounds stated in the General Objections and
4 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with
5 respect to the information sought in this request because Defendants SAP AG and SAP America
6 have no additional knowledge separate and apart from the information provided by Defendant
7 TomorrowNow in this response. Further, Defendants object to this request as compound and
8 unduly burdensome in that this request asks for "each file" and, thus, asks hundreds if not
9 thousands of separate questions and would require the review of substantial amounts of data.
10 This request, therefore, does not separately state each matter sought. Moreover, Defendants
11 object that the request is unduly burdensome and improperly attempts to shift the burden to
12 Defendants to evaluate each and every file where the effort associated with responding to this
13 request is substantially similar for the parties, especially because the available documents, data
14 and other information sought from which the answer, if any, could be derived in response to this
15 request have been produced by Defendants in response to Plaintiffs' other discovery requests and
16 thus any relevant, available information is now as equally accessible to Plaintiffs as it is to
17 Defendants. Defendants also object to the extent that this request improperly attempts to shift
18 Plaintiffs' burden of proof to Defendants. Subject to and without waiving the foregoing
19 objections and qualifications, Defendants respond as follows:

20 DENIED.

21 **REQUEST NO. 59:**

22 For each file located in TN-FS01_F\C\Siebel\Clients\Smart Center, as identified in
23 Defendants' responses to Interrogatory 11 from Oracle Corp.'s first set, admit that after a
24 reasonable inquiry Defendants lack sufficient readily obtainable information to determine that the
25 file was not originally downloaded from an Oracle website by SAP TN.

26 **RESPONSE:**

27 Defendants object to this request on the grounds stated in the General Objections and
28 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with

1 respect to the information sought in this request because Defendants SAP AG and SAP America
2 have no additional knowledge separate and apart from the information provided by Defendant
3 TomorrowNow in this response. Further, Defendants object to this request as compound and
4 unduly burdensome in that this request asks for “each file” and, thus, asks hundreds if not
5 thousands of separate questions and would require the review of substantial amounts of data.
6 This request, therefore, does not separately state each matter sought. Moreover, Defendants
7 object that the request is unduly burdensome and improperly attempts to shift the burden to
8 Defendants to evaluate each and every file where the effort associated with responding to this
9 request is substantially similar for the parties, especially because the available documents, data
10 and other information sought from which the answer, if any, could be derived in response to this
11 request have been produced by Defendants in response to Plaintiffs’ other discovery requests and
12 thus any relevant, available information is now as equally accessible to Plaintiffs as it is to
13 Defendants. Defendants also object to the extent that this request improperly attempts to shift
14 Plaintiffs’ burden of proof to Defendants. Subject to and without waiving the foregoing
15 objections and qualifications, Defendants respond as follows:

16 DENIED.

17 **REQUEST NO. 60:**

18 For each file located in TN-FS01_F\C\Siebel\Clients\Standard Register, as identified in
19 Defendants’ responses to Interrogatory 11 from Oracle Corp.’s first set, admit that after a
20 reasonable inquiry Defendants lack sufficient readily obtainable information to determine that the
21 file was not originally downloaded from an Oracle website by SAP TN.

22 **RESPONSE:**

23 Defendants object to this request on the grounds stated in the General Objections and
24 Responses. Defendants’ response is based solely on Defendant TomorrowNow’s knowledge with
25 respect to the information sought in this request because Defendants SAP AG and SAP America
26 have no additional knowledge separate and apart from the information provided by Defendant
27 TomorrowNow in this response. Further, Defendants object to this request as compound and
28 unduly burdensome in that this request asks for “each file” and, thus, asks hundreds if not

1 thousands of separate questions and would require the review of substantial amounts of data.
2 This request, therefore, does not separately state each matter sought. Moreover, Defendants
3 object that the request is unduly burdensome and improperly attempts to shift the burden to
4 Defendants to evaluate each and every file where the effort associated with responding to this
5 request is substantially similar for the parties, especially because the available documents, data
6 and other information sought from which the answer, if any, could be derived in response to this
7 request have been produced by Defendants in response to Plaintiffs' other discovery requests and
8 thus any relevant, available information is now as equally accessible to Plaintiffs as it is to
9 Defendants. Defendants also object to the extent that this request improperly attempts to shift
10 Plaintiffs' burden of proof to Defendants. Subject to and without waiving the foregoing
11 objections and qualifications, Defendants respond as follows:

12 DENIED.

13 **REQUEST NO. 61:**

14 For each file located in DCITBU01_G\Siebel\Actel, as identified in Defendants'
15 responses to Interrogatory 11 from Oracle Corp.'s first set, admit that after a reasonable inquiry
16 Defendants lack sufficient readily obtainable information to determine that the file was not
17 originally downloaded from an Oracle website by SAP TN.

18 **RESPONSE:**

19 Defendants object to this request on the grounds stated in the General Objections and
20 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with
21 respect to the information sought in this request because Defendants SAP AG and SAP America
22 have no additional knowledge separate and apart from the information provided by Defendant
23 TomorrowNow in this response. Further, Defendants object to this request as compound and
24 unduly burdensome in that this request asks for "each file" and, thus, asks hundreds if not
25 thousands of separate questions and would require the review of substantial amounts of data.
26 This request, therefore, does not separately state each matter sought. Moreover, Defendants
27 object that the request is unduly burdensome and improperly attempts to shift the burden to
28 Defendants to evaluate each and every file where the effort associated with responding to this

1 request is substantially similar for the parties, especially because the available documents, data
2 and other information sought 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. Defendants also object to the extent that this request improperly attempts to shift
6 Plaintiffs' burden of proof to Defendants. Subject to and without waiving the foregoing
7 objections and qualifications, Defendants respond as follows:

8 DENIED.

9 **REQUEST NO. 62:**

10 For each file located in DCITBU01_G\Siebel\PSCU Financial Services, as identified in
11 Defendants' responses to Interrogatory 11 from Oracle Corp.'s first set, admit that after a
12 reasonable inquiry Defendants lack sufficient readily obtainable information to determine that the
13 file was not originally downloaded from an Oracle website by SAP TN.

14 **RESPONSE:**

15 Defendants object to this request on the grounds stated in the General Objections and
16 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with
17 respect to the information sought in this request because Defendants SAP AG and SAP America
18 have no additional knowledge separate and apart from the information provided by Defendant
19 TomorrowNow in this response. Further, Defendants object to this request as compound and
20 unduly burdensome in that this request asks for "each file" and, thus, asks hundreds if not
21 thousands of separate questions and would require the review of substantial amounts of data.
22 This request, therefore, does not separately state each matter sought. Moreover, Defendants
23 object that the request is unduly burdensome and improperly attempts to shift the burden to
24 Defendants to evaluate each and every file where the effort associated with responding to this
25 request is substantially similar for the parties, especially because the available documents, data
26 and other information sought from which the answer, if any, could be derived in response to this
27 request have been produced by Defendants in response to Plaintiffs' other discovery requests and
28 thus any relevant, available information is now as equally accessible to Plaintiffs as it is to

1 Defendants. Defendants also object to the extent that this request improperly attempts to shift
2 Plaintiffs' burden of proof to Defendants. Subject to and without waiving the foregoing
3 objections and qualifications, Defendants respond as follows:

4 DENIED.

5 **REQUEST NO. 63:**

6 For each file located in DCITBU01_G\Siebel\Standard Register, as identified in
7 Defendants' responses to Interrogatory 11 from Oracle Corp.'s first set, admit that after a
8 reasonable inquiry Defendants lack sufficient readily obtainable information to determine that the
9 file was not originally downloaded from an Oracle website by SAP TN.

10 **RESPONSE:**

11 Defendants object to this request on the grounds stated in the General Objections and
12 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with
13 respect to the information sought in this request because Defendants SAP AG and SAP America
14 have no additional knowledge separate and apart from the information provided by Defendant
15 TomorrowNow in this response. Further, Defendants object to this request as compound and
16 unduly burdensome in that this request asks for "each file" and, thus, asks hundreds if not
17 thousands of separate questions and would require the review of substantial amounts of data.
18 This request, therefore, does not separately state each matter sought. Moreover, Defendants
19 object that the request is unduly burdensome and improperly attempts to shift the burden to
20 Defendants to evaluate each and every file where the effort associated with responding to this
21 request is substantially similar for the parties, especially because the available documents, data
22 and other information sought from which the answer, if any, could be derived in response to this
23 request have been produced by Defendants in response to Plaintiffs' other discovery requests and
24 thus any relevant, available information is now as equally accessible to Plaintiffs as it is to
25 Defendants. Defendants also object to the extent that this request improperly attempts to shift
26 Plaintiffs' burden of proof to Defendants. Subject to and without waiving the foregoing
27 objections and qualifications, Defendants respond as follows:

28 DENIED.

REQUEST NO. 130:

For each item 1-33,186 on Exhibit D to Oracle's Third Set of Requests for Admission, admit that after a reasonable inquiry Defendants lack sufficient readily obtainable information to determine that a Copy of the listed Fix Object was not created using a Local Environment.¹

RESPONSE:

Defendants object to this request on the grounds stated in the General Objections and Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant TomorrowNow in this response. Further, Defendants object to this request as compound and unduly burdensome in that this request asks 33,186 separate questions, and the request would require Defendants to review substantial business records to determine an answer, if possible, for each of the 33,186 separate requests. This request, therefore, does not separately state each matter sought. Moreover, Defendants object that the request is unduly burdensome and improperly attempts to shift the burden to Defendants to evaluate each and every file where the effort associated with responding to this request is substantially similar for the parties, especially because the available documents, data and other information sought from which the answer, if any, could be derived in response to this request have been produced by Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available information is now as equally accessible to Plaintiffs as it is to Defendants. Defendants also object to the extent that this request improperly attempts to shift Plaintiffs' burden of proof to Defendants. Subject to and without waiving the foregoing objections and qualifications, Defendants respond as follows:

DENIED.

REQUEST NO. 131:

For each item 1-33,186 on Exhibit D to Oracle's Third Set of Requests for Admission, admit that after a reasonable inquiry Defendants lack sufficient readily obtainable information to determine that, if a Copy of the listed Fix Object was tested, a Copy of the listed Fix Object was

¹ See Defendants' Response to Request for Admission No. 13 from Plaintiffs' Third Set.

1 not tested using a Local Environment.²

2 **RESPONSE:**

3 Defendants object to this request on the grounds stated in the General Objections and
4 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with
5 respect to the information sought in this request because Defendants SAP AG and SAP America
6 have no additional knowledge separate and apart from the information provided by Defendant
7 TomorrowNow in this response. Further, Defendants object to this request as compound and
8 unduly burdensome in that this request asks 33,186 separate questions, and the request would
9 require Defendants to review substantial business records to determine an answer, if possible, for
10 each of the 33,186 separate requests. This request, therefore, does not separately state each
11 matter sought. Moreover, Defendants object that the request is unduly burdensome and
12 improperly attempts to shift the burden to Defendants to evaluate each and every file where the
13 effort associated with responding to this request is substantially similar for the parties, especially
14 because the available documents, data and other information sought from which the answer, if
15 any, could be derived in response to this request have been produced by Defendants in response
16 to Plaintiffs' other discovery requests and thus any relevant, available information is now as
17 equally accessible to Plaintiffs as it is to Defendants. Defendants also object to the extent that
18 this request improperly attempts to shift Plaintiffs' burden of proof to Defendants. Subject to and
19 without waiving the foregoing objections and qualifications, Defendants respond as follows:

20 DENIED.

21 **REQUEST NO. 132:**

22 For each item 1-33,186 on Exhibit D to Oracle's Third Set of Requests for Admission,
23 admit that after a reasonable inquiry Defendants lack sufficient readily obtainable information to
24 determine that a Copy of the listed Fix Object was created using a Local Environment consisting
25 solely of an installation from, a Copy of, or an installation from a Copy of software received from
26 or on behalf of the recipient stated for the respective item.³

27 ² See Defendants' Response to Request for Admission No. 14 from Plaintiffs' Third Set.

28 ³ See Defendants' Response to Request for Admission No. 15 from Plaintiffs' Third Set.

RESPONSE:

Defendants object to this request on the grounds stated in the General Objections and Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant TomorrowNow in this response. Further, Defendants object to this request as compound and unduly burdensome in that this request asks 33,186 separate questions, and the request would require Defendants to review substantial business records to determine an answer, if possible, for each of the 33,186 separate requests. This request, therefore, does not separately state each matter sought. Moreover, Defendants object that the request is unduly burdensome and improperly attempts to shift the burden to Defendants to evaluate each and every file where the effort associated with responding to this request is substantially similar for the parties, especially because the available documents, data and other information sought from which the answer, if any, could be derived in response to this request have been produced by Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available information is now as equally accessible to Plaintiffs as it is to Defendants. Defendants also object to the extent that this request improperly attempts to shift Plaintiffs' burden of proof to Defendants. Subject to and without waiving the foregoing objections and qualifications, Defendants respond as follows:

DENIED for fix objects that are .dat files. ADMITTED for the minority of fix objects that are .sqc, .sqr and .cbl files. DENIED for fix objects that are .dms files.

REQUEST NO. 133:

For each item 1-33,186 on Exhibit D to Oracle's Third Set of Requests for Admission, admit that after a reasonable inquiry Defendants lack sufficient readily obtainable information to determine that a Copy of the listed Fix Object was tested using a Local Environment consisting solely of an installation from, a Copy of, or an installation from a Copy of software received from or on behalf of the recipient stated for the respective item.⁴

⁴ See Defendants' Response to Request for Admission No. 16 from Plaintiffs' Third Set.

RESPONSE:

Defendants object to this request on the grounds stated in the General Objections and Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant TomorrowNow in this response. Further, Defendants object to this request as compound and unduly burdensome in that this request asks 33,186 separate questions, and the request would require Defendants to review substantial business records to determine an answer, if possible, for each of the 33,186 separate requests. This request, therefore, does not separately state each matter sought. Moreover, Defendants object that the request is unduly burdensome and improperly attempts to shift the burden to Defendants to evaluate each and every file where the effort associated with responding to this request is substantially similar for the parties, especially because the available documents, data and other information sought from which the answer, if any, could be derived in response to this request have been produced by Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available information is now as equally accessible to Plaintiffs as it is to Defendants. Defendants also object to the extent that this request improperly attempts to shift Plaintiffs' burden of proof to Defendants. Subject to and without waiving the foregoing objections and qualifications, Defendants respond as follows:

ADMITTED for the minority.

REQUEST NO. 134:

For each item 1-33,186 on Exhibit D to Oracle's Third Set of Requests for Admission, admit that after a reasonable inquiry Defendants lack sufficient readily obtainable information to determine that a Copy of the listed Fix Object was not created using a Generic Environment.⁵

RESPONSE:

Defendants object to this request on the grounds stated in the General Objections and Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America

⁵ See Defendants' Response to Request for Admission No. 17 from Plaintiffs' Third Set.

1 have no additional knowledge separate and apart from the information provided by Defendant
 2 TomorrowNow in this response. Further, Defendants object to this request as compound and
 3 unduly burdensome in that this request asks 33,186 separate questions, and the request would
 4 require Defendants to review substantial business records to determine an answer, if possible, for
 5 each of the 33,186 separate requests. This request, therefore, does not separately state each
 6 matter sought. Moreover, Defendants object that the request is unduly burdensome and
 7 improperly attempts to shift the burden to Defendants to evaluate each and every file where the
 8 effort associated with responding to this request is substantially similar for the parties, especially
 9 because the available documents, data and other information sought from which the answer, if
 10 any, could be derived in response to this request have been produced by Defendants in response
 11 to Plaintiffs' other discovery requests and thus any relevant, available information is now as
 12 equally accessible to Plaintiffs as it is to Defendants. Defendants also object to the extent that
 13 this request improperly attempts to shift Plaintiffs' burden of proof to Defendants. Subject to and
 14 without waiving the foregoing objections and qualifications, Defendants respond as follows:

15 DENIED for the fix objects that are .dat files. DENIED for the fix objects that are
 16 contained in retrofit bundles listed in the first two columns of Exhibit A that is attached hereto.
 17 ADMITTED for the minority of the remaining fix objects that are not covered by Defendants'
 18 denials in the preceding two sentences.

19 **REQUEST NO. 135:**

20 For each item 1-33,186 on Exhibit D to Oracle's Third Set of Requests for Admission,
 21 admit that after a reasonable inquiry Defendants lack sufficient readily obtainable information to
 22 determine that, if a Copy of the listed Fix Object was tested, a Copy of the listed Fix Object was
 23 not tested using a Generic Environment.⁶

24 **RESPONSE:**

25 Defendants object to this request on the grounds stated in the General Objections and
 26 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with
 27 respect to the information sought in this request because Defendants SAP AG and SAP America

28 ⁶ See Defendants' Response to Request for Admission No. 18 from Plaintiffs' Third Set.

1 have no additional knowledge separate and apart from the information provided by Defendant
2 TomorrowNow in this response. Further, Defendants object to this request as compound and
3 unduly burdensome in that this request asks 33,186 separate questions, and the request would
4 require Defendants to review substantial business records to determine an answer, if possible, for
5 each of the 33,186 separate requests. This request, therefore, does not separately state each
6 matter sought. Moreover, Defendants object that the request is unduly burdensome and
7 improperly attempts to shift the burden to Defendants to evaluate each and every file where the
8 effort associated with responding to this request is substantially similar for the parties, especially
9 because the available documents, data and other information sought from which the answer, if
10 any, could be derived in response to this request have been produced by Defendants in response
11 to Plaintiffs' other discovery requests and thus any relevant, available information is now as
12 equally accessible to Plaintiffs as it is to Defendants. Defendants also object to the extent that
13 this request improperly attempts to shift Plaintiffs' burden of proof to Defendants. Subject to and
14 without waiving the foregoing objections and qualifications, Defendants respond as follows:

15 DENIED for the fix objects that are contained in retrofit bundles listed in the first two
16 columns of Exhibit A attached hereto. ADMITTED for the minority of the remaining fix objects
17 that are not covered by Defendants' denial in the preceding sentence.

18 **REQUEST NO. 136:**

19 For each item 1-33,186 on Exhibit D to Oracle's Third Set of Requests for Admission,
20 admit that after a reasonable inquiry Defendants lack sufficient readily obtainable information to
21 determine that a Copy of the listed Fix Object was not created using a Local Environment to
22 which at least one fix, patch, upgrade or update retrofitted from an Oracle-created or Oracle
23 delivered fix, patch, upgrade or update had been applied.⁷

24 **RESPONSE:**

25 Defendants object to this request on the grounds stated in the General Objections and
26 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with
27 respect to the information sought in this request because Defendants SAP AG and SAP America

28 ⁷ See Defendants' Response to Request for Admission No. 19 from Plaintiffs' Third Set.

1 have no additional knowledge separate and apart from the information provided by Defendant
 2 TomorrowNow in this response. Further, Defendants object to this request as compound and
 3 unduly burdensome in that this request asks 33,186 separate questions, and the request would
 4 require Defendants to review substantial business records to determine an answer, if possible, for
 5 each of the 33,186 separate requests. This request, therefore, does not separately state each
 6 matter sought. Moreover, Defendants object that the request is unduly burdensome and
 7 improperly attempts to shift the burden to Defendants to evaluate each and every file where the
 8 effort associated with responding to this request is substantially similar for the parties, especially
 9 because the available documents, data and other information sought from which the answer, if
 10 any, could be derived in response to this request have been produced by Defendants in response
 11 to Plaintiffs' other discovery requests and thus any relevant, available information is now as
 12 equally accessible to Plaintiffs as it is to Defendants. Defendants also object to the extent that
 13 this request improperly attempts to shift Plaintiffs' burden of proof to Defendants. Subject to and
 14 without waiving the foregoing objections and qualifications, Defendants respond as follows:

15 DENIED for the fix objects that are contained in retrofit bundles listed in the first two
 16 columns of Exhibit A that is attached hereto. ADMITTED for the minority of the remaining fix
 17 objects that are not covered by Defendants' denial in the preceding sentence.

18 **REQUEST NO. 137:**

19 For each item 1-33,186 on Exhibit D to Oracle's Third Set of Requests for Admission,
 20 admit that after a reasonable inquiry Defendants lack sufficient readily obtainable information to
 21 determine that, if a Copy of the listed Fix Object was tested, a Copy of the listed Fix Object was
 22 not tested using a Local Environment to which at least one fix, patch, upgrade or update
 23 retrofitted from an Oracle-created or Oracle-delivered fix, patch, upgrade or update had been
 24 applied.⁸

25 **RESPONSE:**

26 Defendants object to this request on the grounds stated in the General Objections and
 27 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with

28 ⁸ See Defendants' Response to Request for Admission No. 20 from Plaintiffs' Third Set.

1 respect to the information sought in this request because Defendants SAP AG and SAP America
2 have no additional knowledge separate and apart from the information provided by Defendant
3 TomorrowNow in this response. Further, Defendants object to this request as compound and
4 unduly burdensome in that this request asks 33,186 separate questions, and the request would
5 require Defendants to review substantial business records to determine an answer, if possible, for
6 each of the 33,186 separate requests. This request, therefore, does not separately state each
7 matter sought. Moreover, Defendants object that the request is unduly burdensome and
8 improperly attempts to shift the burden to Defendants to evaluate each and every file where the
9 effort associated with responding to this request is substantially similar for the parties, especially
10 because the available documents, data and other information sought from which the answer, if
11 any, could be derived in response to this request have been produced by Defendants in response
12 to Plaintiffs' other discovery requests and thus any relevant, available information is now as
13 equally accessible to Plaintiffs as it is to Defendants. Defendants also object to the extent that
14 this request improperly attempts to shift Plaintiffs' burden of proof to Defendants. Subject to and
15 without waiving the foregoing objections and qualifications, Defendants respond as follows:

16 DENIED for the fix objects that are contained in retrofit bundles listed in the first two
17 columns of Exhibit A that is attached hereto. ADMITTED for the minority of the remaining fix
18 objects that are not covered by Defendants' denial in the preceding sentence.

19 **REQUEST NO. 138:**

20 For each item 1-33,186 on Exhibit D to Oracle's Third Set of Requests for Admission,
21 admit that after a reasonable inquiry Defendants lack sufficient readily obtainable information to
22 determine that for the listed Fix Object, every fix, patch, upgrade or update that had been applied
23 to a Local Environment used to create a Copy of the listed Fix Object was developed solely for or
24 on behalf of the recipient stated for that item.⁹

25 **RESPONSE:**

26 Defendants object to this request on the grounds stated in the General Objections and
27 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with

28 ⁹ See Defendants' Response to Request for Admission No. 21 from Plaintiffs' Third Set.

1 respect to the information sought in this request because Defendants SAP AG and SAP America
 2 have no additional knowledge separate and apart from the information provided by Defendant
 3 TomorrowNow in this response. Further, Defendants object to this request as compound and
 4 unduly burdensome in that this request asks 33,186 separate questions, and the request would
 5 require Defendants to review substantial business records to determine an answer, if possible, for
 6 each of the 33,186 separate requests. This request, therefore, does not separately state each
 7 matter sought. Moreover, Defendants object that the request is unduly burdensome and
 8 improperly attempts to shift the burden to Defendants to evaluate each and every file where the
 9 effort associated with responding to this request is substantially similar for the parties, especially
 10 because the available documents, data and other information sought from which the answer, if
 11 any, could be derived in response to this request have been produced by Defendants in response
 12 to Plaintiffs' other discovery requests and thus any relevant, available information is now as
 13 equally accessible to Plaintiffs as it is to Defendants. Defendants also object to the extent that
 14 this request improperly attempts to shift Plaintiffs' burden of proof to Defendants. Subject to and
 15 without waiving the foregoing objections and qualifications, Defendants respond as follows:

16 ADMITTED for the minority of fix objects that are .dat, .sqr, .sqc and .cbl files. DENIED
 17 for the fix objects that are .dms files.

18 **REQUEST NO. 139:**

19 For each item 1-33,186 on Exhibit D to Oracle's Third Set of Requests for Admission,
 20 admit that after a reasonable inquiry Defendants lack sufficient readily obtainable information to
 21 determine that for the listed Fix Object, if any testing occurred, every fix, patch, upgrade or
 22 update that had been applied to a Local Environment used to test a Copy of the listed Fix Object
 23 was developed solely for or on behalf of the recipient stated for that item.¹⁰

24 **RESPONSE:**

25 Defendants object to this request on the grounds stated in the General Objections and
 26 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with
 27 respect to the information sought in this request because Defendants SAP AG and SAP America

28 ¹⁰ See Defendants' Response to Request for Admission No. 22 from Plaintiffs' Third Set.

1 have no additional knowledge separate and apart from the information provided by Defendant
2 TomorrowNow in this response. Further, Defendants object to this request as compound and
3 unduly burdensome in that this request asks 33,186 separate questions, and the request would
4 require Defendants to review substantial business records to determine an answer, if possible, for
5 each of the 33,186 separate requests. This request, therefore, does not separately state each
6 matter sought. Moreover, Defendants object that the request is unduly burdensome and
7 improperly attempts to shift the burden to Defendants to evaluate each and every file where the
8 effort associated with responding to this request is substantially similar for the parties, especially
9 because the available documents, data and other information sought from which the answer, if
10 any, could be derived in response to this request have been produced by Defendants in response
11 to Plaintiffs' other discovery requests and thus any relevant, available information is now as
12 equally accessible to Plaintiffs as it is to Defendants. Defendants also object to the extent that
13 this request improperly attempts to shift Plaintiffs' burden of proof to Defendants. Subject to and
14 without waiving the foregoing objections and qualifications, Defendants respond as follows:

15 ADMITTED for the minority.

16 **REQUEST NO. 140:**

17 For each item 1-33,186 on Exhibit D to Oracle's Third Set of Requests for Admission,
18 admit that after a reasonable inquiry Defendants lack sufficient readily obtainable information to
19 determine that a Copy of the listed Fix Object was not created using a Copy of PeopleTools.¹¹

20 **RESPONSE:**

21 Defendants object to this request on the grounds stated in the General Objections and
22 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with
23 respect to the information sought in this request because Defendants SAP AG and SAP America
24 have no additional knowledge separate and apart from the information provided by Defendant
25 TomorrowNow in this response. Further, Defendants object to this request as compound and
26 unduly burdensome in that this request asks 33,186 separate questions, and the request would
27 require Defendants to review substantial business records to determine an answer, if possible, for

28 ¹¹ See Defendants' Response to Request for Admission No. 23 from Plaintiffs' Third Set.

1 each of the 33,186 separate requests. This request, therefore, does not separately state each
 2 matter sought. Moreover, Defendants object that the request is unduly burdensome and
 3 improperly attempts to shift the burden to Defendants to evaluate each and every file where the
 4 effort associated with responding to this request is substantially similar for the parties, especially
 5 because the available documents, data and other information sought from which the answer, if
 6 any, could be derived in response to this request have been produced by Defendants in response
 7 to Plaintiffs' other discovery requests and thus any relevant, available information is now as
 8 equally accessible to Plaintiffs as it is to Defendants. Defendants also object to the extent that
 9 this request improperly attempts to shift Plaintiffs' burden of proof to Defendants. Subject to and
 10 without waiving the foregoing objections and qualifications, Defendants respond as follows:

11 DENIED for the fix objects that are .dat files. ADMITTED for approximately half of fix
 12 objects that are .dms files. DENIED for the fix objects that are .sqc, .sqr and .cbl files.

13 **REQUEST NO. 141:**

14 For each item 1-33,186 on Exhibit D to Oracle's Third Set of Requests for Admission,
 15 admit that after a reasonable inquiry Defendants lack sufficient readily obtainable information to
 16 determine that, if a Copy of the listed Fix Object was tested, a Copy of the listed Fix Object was
 17 not tested using a Copy of PeopleTools.¹²

18 **RESPONSE:**

19 Defendants object to this request on the grounds stated in the General Objections and
 20 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with
 21 respect to the information sought in this request because Defendants SAP AG and SAP America
 22 have no additional knowledge separate and apart from the information provided by Defendant
 23 TomorrowNow in this response. Further, Defendants object to this request as compound and
 24 unduly burdensome in that this request asks 33,186 separate questions, and the request would
 25 require Defendants to review substantial business records to determine an answer, if possible, for
 26 each of the 33,186 separate requests. This request, therefore, does not separately state each
 27 matter sought. Moreover, Defendants object that the request is unduly burdensome and

28 ¹² See Defendants' Response to Request for Admission No. 24 from Plaintiffs' Third Set.

1 improperly attempts to shift the burden to Defendants to evaluate each and every file where the
2 effort associated with responding to this request is substantially similar for the parties, especially
3 because the available documents, data and other information sought from which the answer, if
4 any, could be derived in response to this request have been produced by Defendants in response
5 to Plaintiffs' other discovery requests and thus any relevant, available information is now as
6 equally accessible to Plaintiffs as it is to Defendants. Defendants also object to the extent that
7 this request improperly attempts to shift Plaintiffs' burden of proof to Defendants. Subject to and
8 without waiving the foregoing objections and qualifications, Defendants respond as follows:

9 DENIED.

10 **REQUEST NO. 142:**

11 For each item 1-33,186 on Exhibit D to Oracle's Third Set of Requests for Admission,
12 admit that after a reasonable inquiry Defendants lack sufficient readily obtainable information to
13 determine that a Copy of the listed Fix Object was created using a Copy of PeopleTools, the
14 source of which was solely an installation from, a Copy of, or an installation from a Copy of
15 software received from or on behalf of the recipient stated for the respective item.¹³

16 **RESPONSE:**

17 Defendants object to this request on the grounds stated in the General Objections and
18 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with
19 respect to the information sought in this request because Defendants SAP AG and SAP America
20 have no additional knowledge separate and apart from the information provided by Defendant
21 TomorrowNow in this response. Further, Defendants object to this request as compound and
22 unduly burdensome in that this request asks 33,186 separate questions, and the request would
23 require Defendants to review substantial business records to determine an answer, if possible, for
24 each of the 33,186 separate requests. This request, therefore, does not separately state each
25 matter sought. Moreover, Defendants object that the request is unduly burdensome and
26 improperly attempts to shift the burden to Defendants to evaluate each and every file where the
27 effort associated with responding to this request is substantially similar for the parties, especially

28 ¹³ See Defendants' Response to Request for Admission No. 25 from Plaintiffs' Third Set.

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

7 DENIED for the fix objects that are .dat files. ADMITTED for approximately half of fix
 8 objects that are .dms files. DENIED for the fix objects that are .sqc, .sqr and .cbl files.

9 **REQUEST NO. 143:**

10 For each item 1-33,186 on Exhibit D to Oracle's Third Set of Requests for Admission,
 11 admit that after a reasonable inquiry Defendants lack sufficient readily obtainable information to
 12 determine that, if a Copy of the listed Fix Object was tested, a Copy of the listed Fix Object was
 13 tested using a Copy of PeopleTools, the source of which was solely an installation from, a Copy
 14 of, or an installation from a Copy of software received from or on behalf of the recipient stated
 15 for the respective item.¹⁴

16 **RESPONSE:**

17 Defendants object to this request on the grounds stated in the General Objections and
 18 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with
 19 respect to the information sought in this request because Defendants SAP AG and SAP America
 20 have no additional knowledge separate and apart from the information provided by Defendant
 21 TomorrowNow in this response. Further, Defendants object to this request as compound and
 22 unduly burdensome in that this request asks 33,186 separate questions, and the request would
 23 require Defendants to review substantial business records to determine an answer, if possible, for
 24 each of the 33,186 separate requests. This request, therefore, does not separately state each
 25 matter sought. Moreover, Defendants object that the request is unduly burdensome and
 26 improperly attempts to shift the burden to Defendants to evaluate each and every file where the
 27 effort associated with responding to this request is substantially similar for the parties, especially

28 ¹⁴ See Defendants' Response to Request for Admission No. 26 from Plaintiffs' Third Set.

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

7 ADMITTED for the minority.

8 **REQUEST NO. 144:**

9 For each item 1-33,186 on Exhibit D to Oracle's Third Set of Requests for Admission,
10 admit that after a reasonable inquiry Defendants lack sufficient readily obtainable information to
11 determine that a Copy of the listed Fix Object was not created using a Copy of PeopleTools from
12 a Generic Environment.¹⁵

13 **RESPONSE:**

14 Defendants object to this request on the grounds stated in the General Objections and
15 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with
16 respect to the information sought in this request because Defendants SAP AG and SAP America
17 have no additional knowledge separate and apart from the information provided by Defendant
18 TomorrowNow in this response. Further, Defendants object to this request as compound and
19 unduly burdensome in that this request asks 33,186 separate questions, and the request would
20 require Defendants to review substantial business records to determine an answer, if possible, for
21 each of the 33,186 separate requests. This request, therefore, does not separately state each
22 matter sought. Moreover, Defendants object that the request is unduly burdensome and
23 improperly attempts to shift the burden to Defendants to evaluate each and every file where the
24 effort associated with responding to this request is substantially similar for the parties, especially
25 because the available documents, data and other information sought from which the answer, if
26 any, could be derived in response to this request have been produced by Defendants in response
27 to Plaintiffs' other discovery requests and thus any relevant, available information is now as

28 ¹⁵ See Defendants' Response to Request for Admission No. 27 from Plaintiffs' Third Set.

1 equally accessible to Plaintiffs as it is to Defendants. Defendants also object to the extent that
 2 this request improperly attempts to shift Plaintiffs' burden of proof to Defendants. Subject to and
 3 without waiving the foregoing objections and qualifications, Defendants respond as follows:

4 DENIED for fix objects that are .dat files. ADMITTED for approximately half of fix
 5 objects that are .dms files. DENIED for fix objects that are .sqc, .sqr and .cbl files.

6 **REQUEST NO. 145:**

7 For each item 1-33,186 on Exhibit D to Oracle's Third Set of Requests for Admission,
 8 admit that after a reasonable inquiry Defendants lack sufficient readily obtainable information to
 9 determine that, if a Copy of the listed Fix Object was tested, a Copy of the listed Fix Object was
 10 not tested using a Copy of PeopleTools from a Generic Environment.¹⁶

11 **RESPONSE:**

12 Defendants object to this request on the grounds stated in the General Objections and
 13 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with
 14 respect to the information sought in this request because Defendants SAP AG and SAP America
 15 have no additional knowledge separate and apart from the information provided by Defendant
 16 TomorrowNow in this response. Further, Defendants object to this request as compound and
 17 unduly burdensome in that this request asks 33,186 separate questions, and the request would
 18 require Defendants to review substantial business records to determine an answer, if possible, for
 19 each of the 33,186 separate requests. This request, therefore, does not separately state each
 20 matter sought. Moreover, Defendants object that the request is unduly burdensome and
 21 improperly attempts to shift the burden to Defendants to evaluate each and every file where the
 22 effort associated with responding to this request is substantially similar for the parties, especially
 23 because the available documents, data and other information sought from which the answer, if
 24 any, could be derived in response to this request have been produced by Defendants in response
 25 to Plaintiffs' other discovery requests and thus any relevant, available information is now as
 26 equally accessible to Plaintiffs as it is to Defendants. Defendants also object to the extent that
 27 this request improperly attempts to shift Plaintiffs' burden of proof to Defendants. Subject to and

28 ¹⁶ See Defendants' Response to Request for Admission No. 28 from Plaintiffs' Third Set.

1 without waiving the foregoing objections and qualifications, Defendants respond as follows:

2 ADMITTED.

3 **REQUEST NO. 146:**

4 For each item 1-33,186 on Exhibit D to Oracle's Third Set of Requests for Admission,
5 admit that after a reasonable inquiry Defendants lack sufficient readily obtainable information to
6 determine that in Creating a Copy of the listed Fix Object, SAP TN did not make a backup copy
7 of at least one Local Environment.¹⁷

8 **RESPONSE:**

9 Defendants object to this request on the grounds stated in the General Objections and
10 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with
11 respect to the information sought in this request because Defendants SAP AG and SAP America
12 have no additional knowledge separate and apart from the information provided by Defendant
13 TomorrowNow in this response. Further, Defendants object to this request as compound and
14 unduly burdensome in that this request asks 33,186 separate questions, and the request would
15 require Defendants to review substantial business records to determine an answer, if possible, for
16 each of the 33,186 separate requests. This request, therefore, does not separately state each
17 matter sought. Moreover, Defendants object that the request is unduly burdensome and
18 improperly attempts to shift the burden to Defendants to evaluate each and every file where the
19 effort associated with responding to this request is substantially similar for the parties, especially
20 because the available documents, data and other information sought from which the answer, if
21 any, could be derived in response to this request have been produced by Defendants in response
22 to Plaintiffs' other discovery requests and thus any relevant, available information is now as
23 equally accessible to Plaintiffs as it is to Defendants. Defendants also object to the extent that
24 this request improperly attempts to shift Plaintiffs' burden of proof to Defendants. Subject to and
25 without waiving the foregoing objections and qualifications, Defendants respond as follows:

26 DENIED.

27
28 ¹⁷ See Defendants' Response to Request for Admission No. 29 from Plaintiffs' Third Set.

REQUEST NO. 147:

For each item 1-33,186 on Exhibit D to Oracle's Third Set of Requests for Admission, admit that after a reasonable inquiry Defendants lack sufficient readily obtainable information to determine that, if a Copy of the listed Fix Object was tested, in testing a Copy of the listed Fix Object, SAP TN did not make a backup copy of at least one Local Environment.¹⁸

RESPONSE:

Defendants object to this request on the grounds stated in the General Objections and Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant TomorrowNow in this response. Further, Defendants object to this request as compound and unduly burdensome in that this request asks 33,186 separate questions, and the request would require Defendants to review substantial business records to determine an answer, if possible, for each of the 33,186 separate requests. Moreover, Defendants object that the request is unduly burdensome and improperly attempts to shift the burden to Defendants to evaluate each and every file where the effort associated with responding to this request is substantially similar for the parties, especially because the available documents, data and other information sought from which the answer, if any, could be derived in response to this request have been produced by Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available information is now as equally accessible to Plaintiffs as it is to Defendants. Defendants also object to the extent that this request improperly attempts to shift Plaintiffs' burden of proof to Defendants. Subject to and without waiving the foregoing objections and qualifications, Defendants respond as follows:

ADMITTED.

REQUEST NO. 148:

For each item 1-33,186 on Exhibit D to Oracle's Third Set of Requests for Admission, admit that after a reasonable inquiry Defendants lack sufficient readily obtainable information to

¹⁸ See Defendants' Response to Request for Admission No. 30 from Plaintiffs' Third Set.

1 determine that in Creating a Copy of the listed Fix Object, SAP TN did not restore at least one
2 Local Environment from a backup copy.¹⁹

3 **RESPONSE:**

4 Defendants object to this request on the grounds stated in the General Objections and
5 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with
6 respect to the information sought in this request because Defendants SAP AG and SAP America
7 have no additional knowledge separate and apart from the information provided by Defendant
8 TomorrowNow in this response. Further, Defendants object to this request as compound and
9 unduly burdensome in that this request asks 33,186 separate questions, and the request would
10 require Defendants to review substantial business records to determine an answer, if possible, for
11 each of the 33,186 separate requests. This request, therefore, does not separately state each
12 matter sought. Moreover, Defendants object that the request is unduly burdensome and
13 improperly attempts to shift the burden to Defendants to evaluate each and every file where the
14 effort associated with responding to this request is substantially similar for the parties, especially
15 because the available documents, data and other information sought from which the answer, if
16 any, could be derived in response to this request have been produced by Defendants in response
17 to Plaintiffs' other discovery requests and thus any relevant, available information is now as
18 equally accessible to Plaintiffs as it is to Defendants. Defendants also object to the extent that
19 this request improperly attempts to shift Plaintiffs' burden of proof to Defendants. Subject to and
20 without waiving the foregoing objections and qualifications, Defendants respond as follows:

21 DENIED.

22 **REQUEST NO. 149:**

23 For each item 1-33,186 on Exhibit D to Oracle's Third Set of Requests for Admission,
24 admit that after a reasonable inquiry Defendants lack sufficient readily obtainable information to
25 determine that, if a Copy of the listed Fix Object was tested, in testing a Copy of the listed Fix
26 Object, SAP TN did not restore at least one Local Environment from a backup copy.²⁰

27 ¹⁹ See Defendants' Response to Request for Admission No. 31 from Plaintiffs' Third Set.

28 ²⁰ See Defendants' Response to Request for Admission No. 32 from Plaintiffs' Third Set.

RESPONSE:

Defendants object to this request on the grounds stated in the General Objections and Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant TomorrowNow in this response. Further, Defendants object to this request as compound and unduly burdensome in that this request asks 33,186 separate questions, and the request would require Defendants to review substantial business records to determine an answer, if possible, for each of the 33,186 separate requests. This request, therefore, does not separately state each matter sought. Moreover, Defendants object that the request is unduly burdensome and improperly attempts to shift the burden to Defendants to evaluate each and every file where the effort associated with responding to this request is substantially similar for the parties, especially because the available documents, data and other information sought from which the answer, if any, could be derived in response to this request have been produced by Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available information is now as equally accessible to Plaintiffs as it is to Defendants. Defendants also object to the extent that this request improperly attempts to shift Plaintiffs' burden of proof to Defendants. Subject to and without waiving the foregoing objections and qualifications, Defendants respond as follows:

DENIED for the fix objects that are contained in retrofit bundles listed in the first two columns of Exhibit A that is attached hereto. ADMITTED, for the remaining fix objects that are not covered by Defendants' denial in the preceding sentence.

REQUEST NO. 150:

For each item 1-33,186 on Exhibit D to Oracle's Third Set of Requests for Admission, admit that after a reasonable inquiry Defendants lack sufficient readily obtainable information to determine that in Creating a Copy of the listed Fix Object, SAP TN did not make a Copy of at least one Local Environment.²¹

²¹ See Defendants' Response to Request for Admission No. 33 from Plaintiffs' Third Set.

RESPONSE:

Defendants object to this request on the grounds stated in the General Objections and Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant TomorrowNow in this response. Further, Defendants object to this request as compound and unduly burdensome in that this request asks 33,186 separate questions, and the request would require Defendants to review substantial business records to determine an answer, if possible, for each of the 33,186 separate requests. This request, therefore, does not separately state each matter sought. Moreover, Defendants object that the request is unduly burdensome and improperly attempts to shift the burden to Defendants to evaluate each and every file where the effort associated with responding to this request is substantially similar for the parties, especially because the available documents, data and other information sought from which the answer, if any, could be derived in response to this request have been produced by Defendants in response to Plaintiffs' other discovery requests and thus any relevant, available information is now as equally accessible to Plaintiffs as it is to Defendants. Defendants also object to the extent that this request improperly attempts to shift Plaintiffs' burden of proof to Defendants. Subject to and without waiving the foregoing objections and qualifications, Defendants respond as follows:

DENIED.

REQUEST NO. 151:

For each item 1-33,186 on Exhibit D to Oracle's Third Set of Requests for Admission, admit that after a reasonable inquiry Defendants lack sufficient readily obtainable information to determine that, if a Copy of the listed Fix Object was tested, in testing a Copy of the listed Fix Object, SAP TN did not make a Copy of at least one Local Environment.²²

RESPONSE:

Defendants object to this request on the grounds stated in the General Objections and Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with

²² See Defendants' Response to Request for Admission No. 34 from Plaintiffs' Third Set.

1 respect to the information sought in this request because Defendants SAP AG and SAP America
 2 have no additional knowledge separate and apart from the information provided by Defendant
 3 TomorrowNow in this response. Further, Defendants object to this request as compound and
 4 unduly burdensome in that this request asks 33,186 separate questions, and the request would
 5 require Defendants to review substantial business records to determine an answer, if possible, for
 6 each of the 33,186 separate requests. This request, therefore, does not separately state each
 7 matter sought. Moreover, Defendants object that the request is unduly burdensome and
 8 improperly attempts to shift the burden to Defendants to evaluate each and every file where the
 9 effort associated with responding to this request is substantially similar for the parties, especially
 10 because the available documents, data and other information sought from which the answer, if
 11 any, could be derived in response to this request have been produced by Defendants in response
 12 to Plaintiffs' other discovery requests and thus any relevant, available information is now as
 13 equally accessible to Plaintiffs as it is to Defendants. Defendants also object to the extent that
 14 this request improperly attempts to shift Plaintiffs' burden of proof to Defendants. Subject to and
 15 without waiving the foregoing objections and qualifications, Defendants respond as follows:

16 DENIED for the fix objects that are contained in retrofit bundles listed in the first two
 17 columns of Exhibit A that is attached hereto. ADMITTED, for the remaining fix objects that are
 18 not covered by Defendants' denial in the preceding sentence.

19 **REQUEST NO. 152:**

20 For each item 1-33,186 on Exhibit D to Oracle's Third Set of Requests for Admission,
 21 admit that after a reasonable inquiry Defendants lack sufficient readily obtainable information to
 22 determine that in Creating a Copy of the listed Fix Object, SAP TN did not modify at least one
 23 Local Environment.²³

24 **RESPONSE:**

25 Defendants object to this request on the grounds stated in the General Objections and
 26 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with
 27 respect to the information sought in this request because Defendants SAP AG and SAP America

28 ²³ See Defendants' Response to Request for Admission No. 35 from Plaintiffs' Third Set.

1 have no additional knowledge separate and apart from the information provided by Defendant
 2 TomorrowNow in this response. Further, Defendants object to this request as compound and
 3 unduly burdensome in that this request asks 33,186 separate questions, and the request would
 4 require Defendants to review substantial business records to determine an answer, if possible, for
 5 each of the 33,186 separate requests. This request, therefore, does not separately state each
 6 matter sought. Moreover, Defendants object that the request is unduly burdensome and
 7 improperly attempts to shift the burden to Defendants to evaluate each and every file where the
 8 effort associated with responding to this request is substantially similar for the parties, especially
 9 because the available documents, data and other information sought from which the answer, if
 10 any, could be derived in response to this request have been produced by Defendants in response
 11 to Plaintiffs' other discovery requests and thus any relevant, available information is now as
 12 equally accessible to Plaintiffs as it is to Defendants. Defendants also object to the extent that
 13 this request improperly attempts to shift Plaintiffs' burden of proof to Defendants. Subject to and
 14 without waiving the foregoing objections and qualifications, Defendants respond as follows:

15 DENIED.

16 **REQUEST NO. 153:**

17 For each item 1-33,186 on Exhibit D to Oracle's Third Set of Requests for Admission,
 18 admit that after a reasonable inquiry Defendants lack sufficient readily obtainable information to
 19 determine that in Creating a Copy of the listed Fix Object, SAP TN did not modify at least one
 20 Local Environment so as to create a derivative work, within the meaning of 17 U.S.C. § 101, that
 21 was based on copyrighted Oracle software.²⁴

22 **RESPONSE:**

23 Defendants object to this request on the grounds stated in the General Objections and
 24 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with
 25 respect to the information sought in this request because Defendants SAP AG and SAP America
 26 have no additional knowledge separate and apart from the information provided by Defendant
 27 TomorrowNow in this response. Defendants object to this request for admission because it calls

28 ²⁴ See Defendants' Response to Request for Admission No. 36 from Plaintiffs' Third Set.

1 for a conclusion of law, and is thus invasive of the attorney work product and attorney-client
2 privileges. Further, Defendants object to this request as compound and unduly burdensome in
3 that this request asks 33,186 separate questions, and the request would require Defendants to
4 review substantial business records to determine an answer, if possible, for each of the 33,186
5 separate requests. Moreover, Defendants object that the request is unduly burdensome and
6 improperly attempts to shift the burden to Defendants to evaluate each and every file where the
7 effort associated with responding to this request is substantially similar for the parties, especially
8 because the available documents, data and other information sought from which the answer, if
9 any, could be derived in response to this request have been produced by Defendants in response
10 to Plaintiffs' other discovery requests and thus any relevant, available information is now as
11 equally accessible to Plaintiffs as it is to Defendants. Defendants also object to the extent that
12 this request improperly attempts to shift Plaintiffs' burden of proof to Defendants. Subject to and
13 without waiving the foregoing objections and qualifications, Defendants respond as follows:

14 This request only seeks conclusions of law, and on that basis is DENIED.

15 **REQUEST NO. 154:**

16 For each item 1-33,186 on Exhibit D to Oracle's Third Set of Requests for Admission,
17 admit that after a reasonable inquiry Defendants lack sufficient readily obtainable information to
18 determine that, if a Copy of the listed Fix Object was tested, in testing a Copy of the listed Fix
19 Object, SAP TN did not modify at least one Local Environment.²⁵

20 **RESPONSE:**

21 Defendants object to this request on the grounds stated in the General Objections and
22 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with
23 respect to the information sought in this request because Defendants SAP AG and SAP America
24 have no additional knowledge separate and apart from the information provided by Defendant
25 TomorrowNow in this response. Further, Defendants object to this request as compound and
26 unduly burdensome in that this request asks 33,186 separate questions, and the request would
27 require Defendants to review substantial business records to determine an answer, if possible, for

28 ²⁵ See Defendants' Response to Request for Admission No. 38 from Plaintiffs' Third Set.

1 each of the 33,186 separate requests. This request, therefore, does not separately state each
2 matter sought. Moreover, Defendants object that the request is unduly burdensome and
3 improperly attempts to shift the burden to Defendants to evaluate each and every file where the
4 effort associated with responding to this request is substantially similar for the parties, especially
5 because the available documents, data and other information sought from which the answer, if
6 any, could be derived in response to this request have been produced by Defendants in response
7 to Plaintiffs' other discovery requests and thus any relevant, available information is now as
8 equally accessible to Plaintiffs as it is to Defendants. Defendants also object to the extent that
9 this request improperly attempts to shift Plaintiffs' burden of proof to Defendants. Subject to and
10 without waiving the foregoing objections and qualifications, Defendants respond as follows:

11 DENIED.

12 **REQUEST NO. 155:**

13 For each item 1-33,186 on Exhibit D to Oracle's Third Set of Requests for Admission,
14 admit that after a reasonable inquiry Defendants lack sufficient readily obtainable information to
15 determine that, if a Copy of the listed Fix Object was tested, in testing a Copy of the listed Fix
16 Object, SAP TN did not modify at least one Local Environment so as to create a derivative work,
17 within the meaning of 17 U.S.C. § 101, that was based on copyrighted Oracle software.²⁶

18 **RESPONSE:**

19 Defendants object to this request on the grounds stated in the General Objections and
20 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with
21 respect to the information sought in this request because Defendants SAP AG and SAP America
22 have no additional knowledge separate and apart from the information provided by Defendant
23 TomorrowNow in this response. Defendants object to this request for admission because it calls
24 for a conclusion of law, and is thus invasive of the attorney work product and attorney-client
25 privileges. Further, Defendants object to this request as compound and unduly burdensome in
26 that this request asks 33,186 separate questions, and the request would require Defendants to
27 review substantial business records to determine an answer, if possible, for each of the 33,186

28 ²⁶ See Defendants' Response to Request for Admission No. 39 from Plaintiffs' Third Set.

1 effort associated with responding to this request is substantially similar for the parties, especially
2 because the available documents, data and other information sought from which the answer, if
3 any, could be derived in response to this request have been produced by Defendants in response
4 to Plaintiffs' other discovery requests and thus any relevant, available information is now as
5 equally accessible to Plaintiffs as it is to Defendants. Defendants also object to the extent that
6 this request improperly attempts to shift Plaintiffs' burden of proof to Defendants. Subject to and
7 without waiving the foregoing objections and qualifications, Defendants respond as follows:

8 ADMITTED.

9 **REQUEST NO. 157:**

10 For each item 1-33,186 on Exhibit D to Oracle's Third Set of Requests for Admission,
11 admit that after a reasonable inquiry Defendants lack sufficient readily obtainable information to
12 determine that a Copy of the contents of the listed Fix Object (with or without the same file name)
13 was not used to update or modify at least one Local Environment.²⁸

14 **RESPONSE:**

15 Defendants object to this request on the grounds stated in the General Objections and
16 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with
17 respect to the information sought in this request because Defendants SAP AG and SAP America
18 have no additional knowledge separate and apart from the information provided by Defendant
19 TomorrowNow in this response. Further, Defendants object to this request as compound and
20 unduly burdensome in that this request asks 33,186 separate questions, and the request would
21 require Defendants to review substantial business records to determine an answer, if possible, for
22 each of the 33,186 separate requests. This request, therefore, does not separately state each
23 matter sought. Moreover, Defendants object that the request is unduly burdensome and
24 improperly attempts to shift the burden to Defendants to evaluate each and every file where the
25 effort associated with responding to this request is substantially similar for the parties, especially
26 because the available documents, data and other information sought from which the answer, if
27 any, could be derived in response to this request have been produced by Defendants in response

28 ²⁸ See Defendants' Response to Request for Admission No. 42 from Plaintiffs' Third Set.

1 to Plaintiffs' other discovery requests and thus any relevant, available information is now as
 2 equally accessible to Plaintiffs as it is to Defendants. Defendants also object to the extent that
 3 this request improperly attempts to shift Plaintiffs' burden of proof to Defendants. Subject to and
 4 without waiving the foregoing objections and qualifications, Defendants respond as follows:

5 DENIED.

6 **REQUEST NO. 158:**

7 For each item 1-33,186 on Exhibit D to Oracle's Third Set of Requests for Admission,
 8 admit that after a reasonable inquiry Defendants lack sufficient readily obtainable information to
 9 determine that a Copy of the contents of the listed Fix Object (with or without the same file name)
 10 was not used to update or modify at least one Local Environment that was not a customer specific
 11 environment for the recipient stated for that it.²⁹

12 **RESPONSE:**

13 Defendants object to this request on the grounds stated in the General Objections and
 14 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with
 15 respect to the information sought in this request because Defendants SAP AG and SAP America
 16 have no additional knowledge separate and apart from the information provided by Defendant
 17 TomorrowNow in this response. Further, Defendants object to this request as compound and
 18 unduly burdensome in that this request asks 33,186 separate questions, and the request would
 19 require Defendants to review substantial business records to determine an answer, if possible, for
 20 each of the 33,186 separate requests. This request, therefore, does not separately state each
 21 matter sought. Moreover, Defendants object that the request is unduly burdensome and
 22 improperly attempts to shift the burden to Defendants to evaluate each and every file where the
 23 effort associated with responding to this request is substantially similar for the parties, especially
 24 because the available documents, data and other information sought from which the answer, if
 25 any, could be derived in response to this request have been produced by Defendants in response
 26 to Plaintiffs' other discovery requests and thus any relevant, available information is now as
 27 equally accessible to Plaintiffs as it is to Defendants. Defendants also object to the extent that

28 ²⁹ See Defendants' Response to Request for Admission No. 43 from Plaintiffs' Third Set.

1 this request improperly attempts to shift Plaintiffs' burden of proof to Defendants. Subject to and
2 without waiving the foregoing objections and qualifications, Defendants respond as follows:

3 ADMITTED.

4 **REQUEST NO. 159:**

5 For each item 1-33,186 on Exhibit D to Oracle's Third Set of Requests for Admission,
6 admit that after a reasonable inquiry Defendants lack sufficient readily obtainable information to
7 determine that a Copy of the contents of the listed Fix Object (with or without the same file name)
8 was not used to update or modify at least one Generic Environment.³⁰

9 **RESPONSE:**

10 Defendants object to this request on the grounds stated in the General Objections and
11 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with
12 respect to the information sought in this request because Defendants SAP AG and SAP America
13 have no additional knowledge separate and apart from the information provided by Defendant
14 TomorrowNow in this response. Further, Defendants object to this request as compound and
15 unduly burdensome in that this request asks 33,186 separate questions, and the request would
16 require Defendants to review substantial business records to determine an answer, if possible, for
17 each of the 33,186 separate requests. This request, therefore, does not separately state each
18 matter sought. Moreover, Defendants object that the request is unduly burdensome and
19 improperly attempts to shift the burden to Defendants to evaluate each and every file where the
20 effort associated with responding to this request is substantially similar for the parties, especially
21 because the available documents, data and other information sought from which the answer, if
22 any, could be derived in response to this request have been produced by Defendants in response
23 to Plaintiffs' other discovery requests and thus any relevant, available information is now as
24 equally accessible to Plaintiffs as it is to Defendants. Defendants also object to the extent that
25 this request improperly attempts to shift Plaintiffs' burden of proof to Defendants. Subject to and
26 without waiving the foregoing objections and qualifications, Defendants respond as follows:

27 DENIED.

28 ³⁰ See Defendants' Response to Request for Admission No. 44 from Plaintiffs' Third Set.

1 **REQUEST NO. 160:**

2 For each item 18,462-33,186 on Exhibit D to Oracle's Third Set of Requests for
3 Admission, admit that after a reasonable inquiry Defendants lack sufficient readily obtainable
4 information to determine that a Copy of the listed Fix Object was not created by modifying a file
5 in SAP TN's possession, custody or control that had been created by Oracle or had been delivered
6 by Oracle as part of a PeopleSoft application release, fix, update, upgrade or patch.³¹

7 **RESPONSE:**

8 Defendants object to this request on the grounds stated in the General Objections and
9 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with
10 respect to the information sought in this request because Defendants SAP AG and SAP America
11 have no additional knowledge separate and apart from the information provided by Defendant
12 TomorrowNow in this response. Further, Defendants object to this request as compound and
13 unduly burdensome in that this request asks 14,724 separate questions, and the request would
14 require Defendants to review substantial business records to determine an answer, if possible, for
15 each of the 14,724 separate requests. This request, therefore, does not separately state each
16 matter sought. Moreover, Defendants object that the request is unduly burdensome and
17 improperly attempts to shift the burden to Defendants to evaluate each and every file where the
18 effort associated with responding to this request is substantially similar for the parties, especially
19 because the available documents, data and other information sought from which the answer, if
20 any, could be derived in response to this request have been produced by Defendants in response
21 to Plaintiffs' other discovery requests and thus any relevant, available information is now as
22 equally accessible to Plaintiffs as it is to Defendants. Defendants also object to the extent that
23 this request improperly attempts to shift Plaintiffs' burden of proof to Defendants. Subject to and
24 without waiving the foregoing objections and qualifications, Defendants respond as follows:

25 DENIED.

26 **REQUEST NO. 161:**

27 For each item 18,462-33,186 on Exhibit D to Oracle's Third Set of Requests for

28 ³¹ See Defendants' Response to Request for Admission No. 46 from Plaintiffs' Third Set.

1 Admission, admit that after a reasonable inquiry Defendants lack sufficient readily obtainable
 2 information to determine that a Copy of the listed Fix Object was not created by using as a
 3 reference a file in SAP TN's possession, custody or control that had been created by Oracle or
 4 had been delivered by Oracle as part of a PeopleSoft application release, fix, update, upgrade or
 5 patch.³²

6 **RESPONSE:**

7 Defendants object to this request on the grounds stated in the General Objections and
 8 Responses. Defendants' response is based solely on Defendant TomorrowNow's knowledge with
 9 respect to the information sought in this request because Defendants SAP AG and SAP America
 10 have no additional knowledge separate and apart from the information provided by Defendant
 11 TomorrowNow in this response. Further, Defendants object to this request as compound and
 12 unduly burdensome in that this request asks 14,724 separate questions, and the request would
 13 require Defendants to review substantial business records to determine an answer, if possible, for
 14 each of the 14,724 separate requests. This request, therefore, does not separately state each
 15 matter sought. Moreover, Defendants object that the request is unduly burdensome and
 16 improperly attempts to shift the burden to Defendants to evaluate each and every file where the
 17 effort associated with responding to this request is substantially similar for the parties, especially
 18 because the available documents, data and other information sought from which the answer, if
 19 any, could be derived in response to this request have been produced by Defendants in response
 20 to Plaintiffs' other discovery requests and thus any relevant, available information is now as
 21 equally accessible to Plaintiffs as it is to Defendants. Defendants also object to the extent that
 22 this request improperly attempts to shift Plaintiffs' burden of proof to Defendants. Subject to and
 23 without waiving the foregoing objections and qualifications, Defendants respond as follows:

24 DENIED.

25 **REQUEST NO. 162:**

26 For each item 18,462-33,186 on Exhibit D to Oracle's Third Set of Requests for
 27 Admission, admit that after a reasonable inquiry Defendants lack sufficient readily obtainable

28 ³² See Defendants' Response to Request for Admission No. 47 from Plaintiffs' Third Set.

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Dated: February 15, 2010

JONES DAY

By: /s/ Scott W. Cowan

Scott W. Cowan

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

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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 15 and 16, 2010, a copy of the attached document(s) were served as follows:

DEFENDANTS' AMENDED RESPONSE TO REQUESTS 4 THROUGH 63 AND 130 THROUGH 162 OF PLAINTIFFS' FIFTH 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 and causing such envelope to be hand delivered to the office of the addressee on February 16, 2009.
- 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 on February 15, 2009.

Donn Pickett, Esq.
 Geoffrey M. Howard, Esq.
 Holly House, Esq.
 Zachary J. Alinder, Esq.
 Bree Hann, Esq.
 BINGHAM McCUTCHEN LLP
 Three Embarcadero Center
 San Francisco, CA 94111-4067
donn.pickett@bingham.com
geoff.howard@bingham.com
zachary.alinder@bingham.com
bree.hann@bingham.com

Executed on February 16, 2010, at San Francisco, California.

By: _____
LAURIE PAIGE BURNS