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 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)

**PROOF OF SERVICE**

1 I, Shirley Nakano-McSwain, declare:

2 I am a citizen of the United States and employed in Santa Clara County, California. I am  
3 over the age of eighteen years and not a party to the within-entitled action. My business address  
4 is 1755 Embarcadero Road, Palo Alto, California 94303. On April 14, 2010, I served a copy of  
5 the attached document(s):

6 **REPLY IN SUPPORT OF DEFENDANTS' MOTION FOR PARTIAL**  
7 **SUMMARY JUDGMENT [SUBMITTED UNDER SEAL]**

8 **EXHIBIT 5 TO THE DECLARATION OF THARAN GREGORY LANIER IN**  
9 **SUPPORT OF REPLY IN SUPPORT OF DEFENDANTS' MOTION FOR**  
10 **PARTIAL SUMMARY JUDGMENT [SUBMITTED UNDER SEAL]**

- 11  by placing the document(s) listed above in a sealed Federal Express envelope and  
12 affixing a pre-paid air bill, and causing the envelope to be delivered to a Federal  
13 Express agent for delivery.
- 14  by transmitting via e-mail or electronic transmission the document(s) listed above  
15 to the person(s) at the e-mail address(es) set forth below.

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I declare that I am employed in the office of a member of the bar of this court at whose  
direction the service was made.

Executed on April 14, 2010, at Palo Alto, California.

By: /s/ Shirley Nakano-McSwain  
Shirley Nakano-McSwain