

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

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

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

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

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

ORACLE USA, INC., et al.,

Plaintiffs,

v.

SAP AG, et al.,

Defendants.

Case No. 07-CV-1658 PJH (EDL)

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
affixing a pre-paid air bill, and causing the envelope to be delivered to a Federal
Express agent for delivery.
- 12 ☒ 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.

13
14 Donn P. Pickett
15 Geoffrey M. Howard
16 Holly A. House
17 Zachary J. Alinder
18 Bree Hann
19 BINGHAM McCUTCHEN LLP
20 Three Embarcadero Center
21 San Francisco, CA 94111-4067
22 donn.pickett@bingham.com
23 geoff.howard@bingham.com
24 holly.house@bingham.com
25 zachary.alinder@bingham.com
26 bree.hann@bingham.com

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

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

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