

# EXHIBIT J

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Attorneys for Plaintiffs  
15 Oracle USA, Inc., Oracle International  
Corporation, Oracle EMEA Limited, and Siebel  
16 Systems, Inc.

17 UNITED STATES DISTRICT COURT  
18 NORTHERN DISTRICT OF CALIFORNIA  
19 OAKLAND DIVISION  
20

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

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

**ORACLE'S SUPPLEMENTAL INITIAL  
EXPERT DISCLOSURES**

1 **TO DEFENDANTS AND THEIR ATTORNEYS OF RECORD:**

2 Pursuant to the June 11, 2009 Pretrial Scheduling Order (“Pretrial Order”) and the  
3 parties’ agreement, Plaintiffs Oracle USA, Inc., Oracle International Corporation, Oracle EMEA  
4 Limited, and Siebel Systems, Inc. (collectively, “Oracle”) make the following supplemental  
5 initial expert witness designations. Oracle will provide expert reports for the following experts  
6 as ordered by the Court in the Pretrial Order. Further, Oracle provides these designations based  
7 on its present information and based on its present understanding. Oracle has not completed its  
8 investigation and discovery of all facts relating to this case, and has not completed its preparation  
9 for trial. Moreover, Oracle provides these initial designations without disclosure by Defendants  
10 TomorrowNow, Inc., SAP America, Inc., and SAP AG (collectively, “Defendants”) regarding  
11 those individuals Defendants intend to use at trial to present evidence pursuant to Federal Rules  
12 of Evidence 702, 703, and 705. Oracle is also without disclosure by Defendants of those lay  
13 persons Defendants intend to use at trial to present evidence. Therefore, in addition to the  
14 experts designated herein, Oracle reserves the right to designate additional witnesses pursuant to  
15 the Pretrial Order, and Federal Rule of Civil Procedure 26, for rebuttal or other purposes.

16 Subject to and without waiving the foregoing, Oracle provides the following  
17 supplemental information about the previously disclosed person(s) who Oracle may call at trial  
18 to present evidence under Federal Rule of Evidence 702, 703, or 705:

- 19 1. Name: Dan Levy, PhD  
20 Address: Advanced Analytical Consulting Group Inc.  
21 211 Congress Street  
22 Boston, MA 02110

23 General Subject of Testimony: Dr. Levy will testify about statistical  
24 analyses used to extrapolate occurrences and rates of infringement or misuse of  
25 Oracle’s intellectual property, from a sample to a larger population.

26 Rate for Deposition/Trial Testimony: \$627/hour

27 Revised CV with publications for last 10 years attached as Exhibit B

1           2.     Name:         Doug Lichtman  
2                     Address:     UCLA School of Law  
3                             405 Hilgard Avenue  
4                             Los Angeles, CA 90095

5                     General Subject of Testimony: Mr. Lichtman will testify about damages  
6                     related to intellectual property, including the harm associated with infringement  
7                     or misuse and the benefits of enforcement against infringement or misuse.

8                     Rate for Deposition/Trial Testimony: \$665/hour

9                     List of relevant testimony and publications for last 10 years attached as  
10                     Exhibit C

11  
12           3.     Name:         Kevin Mandia  
13                     Address:     Mandiant, Inc.  
14                             675 North Washington Street  
15                             Suite 210  
16                             Alexandria, VA 22314

17                     General Subject of Testimony Mr. Mandia will analyze, calculate, and  
18                     testify about the types and scope of Defendants' infringement and misuse of  
19                     Oracle's intellectual property and about Defendants' access to Oracle's support  
20                     websites.

21                     Rate for Deposition/Trial Testimony: \$400/hour

22                     List of relevant testimony attached as Exhibit D

23           4.     Name:         Paul Meyer  
24                     Address:     Navigant Consulting, Inc.  
25                             One Market Street  
26                             Spear Street Tower, Suite 1200  
27                             San Francisco, CA 94105

28                     General Subject of Testimony: Mr. Meyer will analyze, calculate, and

1 testify to the ways and amounts by which Oracle has been damaged by  
2 Defendants' actions, including under its various causes of actions, and according  
3 to its various measures of harm.

4 Rate for Deposition/Trial Testimony: \$600/hour

5 List of relevant testimony attached as Exhibit E

6  
7 5. Name: Paul Pinto  
8 Address: Sylvan V.I., Inc.  
9 13525 Blakmaral Lane  
10 Alpharetta, GA 30004

11 General Subject of Testimony: Mr. Pinto will analyze, calculate, and  
12 testify to the costs associated with software product development.

13 Rate for Deposition/Trial Testimony: \$381/hour

14 List of relevant testimony attached as Exhibit F

15  
16 6. Name: Francoise Tourniaire  
17 Address: FT Works  
18 71 Cody Lane  
19 Los Altos, CA 94022

20 General Subject of Testimony: Ms. Tourniaire will testify as to industry  
21 standards for customer-facing website security, including use of passwords or  
22 other credentials.

23 Rate for Deposition/Trial Testimony: \$300/hour

24 List of publications for last 10 years attached as Exhibit G

1 DATED: October 16, 2009

2 Bingham McCutchen LLP

3  
4 By: Bree Hann  
5 Bree Hann  
6 Attorneys for Plaintiffs  
Oracle USA, Inc., Oracle International Corporation,  
Oracle EMEA Limited, and Siebel Systems, Inc.

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1 **PROOF OF SERVICE**

2 I am over 18 years of age, not a party to this action and employed in the  
3 County of San Francisco, California at Three Embarcadero Center, San Francisco, California  
4 94111-4067. I am readily familiar with the practice of this office for collection and processing  
5 of correspondence by U.S. Mail and Electronic Mail, and they are deposited and/or sent that  
6 same day in the ordinary course of business.

7 Today I served the following document:

8 **ORACLE’S SUPPLEMENTAL INITIAL**  
9 **EXPERT DISCLOSURES**

10  (BY ELECTRONIC MAIL) by transmitting via electronic mail document(s) in  
11 portable document format (PDF) listed below to the email address set forth below  
12 on this date.

13  (BY MAIL) by causing a true and correct copy of the above to be placed in the  
14 United States Mail at San Francisco, California in sealed envelope(s) with postage  
15 prepaid, addressed as set forth below. I am readily familiar with this law firm’s  
16 practice for collection and processing of correspondence for mailing with the  
17 United States Postal Service. Correspondence is deposited with the United States  
18 Postal Service the same day it is left for collection and processing in the ordinary  
19 course of business.

17 Robert A. Mittelstaedt, Esq.  
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24 I declare that I am employed in the office of a member of the bar of this court at  
25 whose direction the service was made and that this declaration was executed on October 16,  
26 2009, at San Francisco, California.

27 

28 Lisa S. Lee