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 24 NORTHERN DISTRICT OF CALIFORNIA  
 25 OAKLAND DIVISION

26 ORACLE USA, INC., *et al.*,

27 Plaintiffs,

28 v.

SAP AG, *et al.*,

Defendants.

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Case No. 07-CV-01658 PJH (EDL)

**JOINT PROPOSED SUPPLEMENTAL  
 QUESTIONS FOR JUROR  
 QUESTIONNAIRE, JOINT PROPOSED  
 VOIR DIRE QUESTIONS, AND  
 DEFENDANTS' SEPARATE  
 SUBMISSION OF ADDITIONAL VOIR  
 DIRE QUESTIONS**

Date: September 30, 2010  
 Time: 9:00 am  
 Place: 3rd Floor, Courtroom 3  
 Judge: Hon. Phyllis J. Hamilton



# **EXHIBIT A**

**JOINT PROPOSED SUPPLEMENTAL QUESTIONS FOR JUROR  
QUESTIONNAIRE**

In light of the complexities of this case, the parties jointly submit the following proposed supplemental questions to be provided to venire members to complete prior to voir dire, along with the Court's standard voir dire questionnaire.

\* \* \*

Full Name: \_\_\_\_\_  
(First) (Middle) (Last)

1. Which of the following describes your current residence?

- Single-family home that I own
- Apartment/condominium that I own
- Single family home that I rent
- Apartment that I rent
- Live in a home owned or rented by parents/family members
- Other (please describe): \_\_\_\_\_

2. How long have you lived in the city of your current residence?

\_\_\_\_\_

3. If you live with any other adults, please identify their relationship to you and their occupations:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. What best describes your current employment status? (CHECK ALL THAT APPLY)

- Employed part-time     Employed full-time     Unemployed, looking for work
- Unemployed, not looking for work     Retired since \_\_\_\_\_ (date)
- Self-employed     Full time student     Part time student     Homemaker
- Other    (Please explain: \_\_\_\_\_)

5. How long have you worked for your current employer or, if not currently working, how long did you work for your most recent employer?

\_\_\_\_\_

6. What is the highest level of education you have completed?

\_\_\_ Grade school or less

\_\_\_ College Graduate

(Major): \_\_\_\_\_

\_\_\_ Some high school

\_\_\_ Graduate study/degree

\_\_\_ High school graduate

(Area/Degree): \_\_\_\_\_

\_\_\_ Some college

(Major): \_\_\_\_\_

\_\_\_ Technical, vocational or business school

(Area/Degree): \_\_\_\_\_

Other (Please explain): \_\_\_\_\_

7. Have you studied, traveled or worked abroad (i.e. outside the United States)? If yes, where and when:

\_\_\_\_\_

8. What is the highest level of education your spouse, partner, or significant other has completed?

\_\_\_ Grade school or less

\_\_\_ College Graduate

(Major): \_\_\_\_\_

\_\_\_ Some high school

\_\_\_ Graduate study/degree

\_\_\_ High school graduate

(Area/Degree): \_\_\_\_\_

\_\_\_ Some college

(Major): \_\_\_\_\_

\_\_\_ Technical, vocational or business school

(Area/Degree): \_\_\_\_\_

Other (Please explain): \_\_\_\_\_

9. If divorced, widowed, or separated, what kind of work did your spouse, partner or significant other do?

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10. How knowledgeable are you about business software or databases in general?

\_\_\_ Very \_\_\_ Somewhat \_\_\_ Not very \_\_\_ Not at all

If you have knowledge, please explain: \_\_\_\_\_

11. Have you, a family member, or someone close to you taken any courses or had any specialized training or experience (including work experience) involving the following?

*(If yes, please explain the training or experience you or they have had.)*

	YES	NO	Please Explain
Computer/Technical			
Software Systems and/or Development			
Information Technology (IT)			
Business/Management			
Sales			
Contracts			
Copyrights/Patents/Trademarks			
Law			

12. Do you, a family member, or someone close to you have any knowledge, training, advanced education, or work experience with any of the following software systems? (Please check all that apply):

- Timekeeping software
- Enterprise software, including but not limited to Human Resource Management software (HRMS), accounting software, Customer Relationship Management software (CRM), Supply Chain Management software, Financials, Distribution and Manufacturing software, Enterprise Performance Management software (EPM), Student Administration software
- Database software
- Any Oracle product: (please specify) \_\_\_\_\_
- Any PeopleSoft product: (please specify) \_\_\_\_\_
- Any J.D. Edwards product: (please specify) \_\_\_\_\_
- Any Siebel product: (please specify) \_\_\_\_\_
- Any SAP product: (please specify) \_\_\_\_\_

If yes, please explain: \_\_\_\_\_

\_\_\_\_\_

13. Have you or anyone close to you ever applied for a patent, copyright or trademark?

Yes     No

If your answer is yes:

What was it for?

\_\_\_\_\_

Do you/they hold a patent, copyright or trademark or was the application denied?

\_\_\_\_\_

14. Have you, a family member, or someone close to you ever purchased a business (either personally or on behalf of your/their employer)?

Yes       No

If yes, please explain: \_\_\_\_\_

\_\_\_\_\_

15. Have you or a member of your family ever owned or run a business?

Yes, self     Yes, family member     No

If yes, please specify who, and describe the business and how many employees:

\_\_\_\_\_

Was the business successful?       Yes     No     Not sure

16. Have you ever been:

a. An officer or director of a company

Yes       No

b. A shareholder of a company

Yes       No

c. An executive, manager, or supervisor of a company

Yes       No

17. Have you ever held a job in which you negotiated licenses for intellectual property, such as patents, copyrights, or trademarks?  Yes       No

If yes, please explain: \_\_\_\_\_

\_\_\_\_\_



18. If you have served on a jury before:

What type of case(s) \_\_\_\_\_

Did you ever serve as a jury foreperson? \_\_\_\_Yes \_\_\_\_No

How many of the jury(ies) on which you served reached a verdict? \_\_\_\_\_

19. Have you, a family member, or close friend ever been involved in a lawsuit (including as a witness at trial or a witness at a deposition)?

\_\_\_\_Yes \_\_\_\_No

If yes, please explain (including whether the outcome was satisfactory):

\_\_\_\_\_  
\_\_\_\_\_

20. Are you a member of a union? \_\_\_\_Yes \_\_\_\_No

If yes, have you ever been a shop steward, union representative, business agent or an elected union official (please specify which one)?

\_\_\_\_\_

21. What social, civic, professional, trade, volunteer, or other organizations do you belong to? Please list any offices you have held in any organizations you identify.

\_\_\_\_\_  
\_\_\_\_\_

22. What social, civic, professional, trade, volunteer, or other organizations does your spouse, partner, or significant other belong to? Please list any offices he/she has held in any organizations you identify.

\_\_\_\_\_  
\_\_\_\_\_

23. Generally speaking, do you think that money damage awards from lawsuits in the U.S. are:

Too high    About right    Too low    No opinion

24. Do you follow the news on a regular basis?    Yes    No

25. Which **one** source of news do you follow most?

<input type="checkbox"/> Television	<input type="checkbox"/> Newspaper
<input type="checkbox"/> Magazines	<input type="checkbox"/> The Internet
<input type="checkbox"/> Radio	<input type="checkbox"/> Other
<input type="checkbox"/> None of the above	

26. What types of television/radio programs, books, magazines, newspapers, and websites do you typically read/visit?

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27. How would you describe your political views?

<input type="checkbox"/> Very liberal	<input type="checkbox"/> Conservative
<input type="checkbox"/> Liberal	<input type="checkbox"/> Very conservative
<input type="checkbox"/> Middle-of-the-road	

28. Do you: CHECK ALL THAT APPLY:

Use a computer at work	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Use a computer at home	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Use the internet to find information	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Use the internet to download	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Troubleshoot or repair computers	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Feel comfortable using a computer	<input type="checkbox"/> Yes	<input type="checkbox"/> No

If your answer to any of the above is “yes,” please explain, including how often:

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29. Have you or any member of your family been affected by the recent economic downturn and/or mortgage crisis? \_\_\_Yes \_\_\_No

If yes, please explain: \_\_\_\_\_  
\_\_\_\_\_

30. Do you regularly read technology magazines and/or follow technology news and trends? \_\_\_Yes \_\_\_No

31. Have you ever worked for a "high tech" company? \_\_\_Yes \_\_\_No

If yes, which company(ies): \_\_\_\_\_  
\_\_\_\_\_

32. Have you heard of any of the companies involved in this case or companies acquired by the companies in this case?

	<u>YES</u>	<u>NO</u>
<b>Oracle International Corp.</b>	___	___
<b>Oracle USA, Inc.</b>	___	___
<b>Oracle EMEA Limited</b>	___	___
<b>Siebel Systems, Inc.</b>	___	___
<b>J.D. Edwards</b>	___	___
<b>PeopleSoft</b>	___	___
<b>TomorrowNow, Inc.</b>	___	___
<b>SAP America, Inc.</b>	___	___
<b>SAP AG</b>	___	___
<b>Acquired company (write in):</b> _____	___	___

If you checked yes to any of the above, please explain (including any opinions you have):

\_\_\_\_\_  
\_\_\_\_\_

33. Have you or anyone close to you ever worked for, owned stock in or done business with companies involved in this case or companies acquired by the companies in this case?

	<u>YES</u>	<u>NO</u>
<b>Oracle International Corp.</b>	___	___
<b>Oracle USA, Inc.</b>	___	___
<b>Oracle EMEA Limited</b>	___	___
<b>Siebel Systems, Inc.</b>	___	___
<b>J.D. Edwards</b>	___	___
<b>PeopleSoft</b>	___	___
<b>TomorrowNow, Inc.</b>	___	___
<b>SAP America, Inc.</b>	___	___
<b>SAP AG</b>	___	___
<b>Acquired company (write in):</b> _____	___	___

If you checked yes to any of the above, please explain:

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34. Have you heard of or do you know anything about Larry Ellison?

\_\_\_ Yes     \_\_\_ No

If you checked yes, please explain (including any opinions you have about Mr. Ellison):

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35. Do you know any of the attorneys representing the parties in this case?

David Boies	___ Yes	___ No
Steven C. Holtzman	___ Yes	___ No
Donn P. Pickett	___ Yes	___ No
Geoffrey M. Howard	___ Yes	___ No
Holly A. House	___ Yes	___ No
Dorian Daley	___ Yes	___ No
Jennifer Gloss	___ Yes	___ No
Robert A. Mittelstaedt	___ Yes	___ No
Jason McDonell	___ Yes	___ No
Elaine Wallace	___ Yes	___ No

Tharan Gregory Lanier    \_\_\_ Yes    \_\_\_ No  
Jane L. Froyd            \_\_\_ Yes    \_\_\_ No  
Scott W. Cowan         \_\_\_ Yes    \_\_\_ No  
Joshua L. Fuchs        \_\_\_ Yes    \_\_\_ No

36. Have you ever been employed by or represented by or had any business dealings of any nature with the law firm of Jones Day, the law firm of Boies, Schiller & Flexner or the law firm of Bingham McCutchen?

\_\_\_ Yes    \_\_\_ No

If yes, please state the firm with which you have (or had) the relationship, and briefly describe nature and extent of the relationship (without revealing anything confidential):

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37. If you have relatives or close personal friends who are judges or attorneys or court personnel, what are their names and relationship to you, and where are they located? (If they are judges or court personnel, please indicate the court where they work, if you know.)

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38. Do you speak and/or read German?    \_\_\_ Yes            \_\_\_ No

If yes, please describe your level of fluency. \_\_\_\_\_

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39. Attached is a list of persons who are potential witnesses or attorneys in this case. If you know, or think you may know, any of the persons listed below please circle their names.

Please indicate here whether you have circled any name(s):    \_\_\_ Yes    \_\_\_ No

40. This trial is expected to last approximately 6 weeks for four days per week. Can you serve as a juror for this period of time?

Yes  No

If no, please briefly explain your reasons. \_\_\_\_\_

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41. Describe any vision, hearing, language, or other medical problems that may affect your jury service:

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42. Do you know anyone on this jury panel?

Yes (Who? \_\_\_\_\_)  No

43. Is there anything else you think the Court and parties in this dispute should know about you that would affect your ability to be a fair and impartial juror in this case?

Yes  No

If yes, please describe. \_\_\_\_\_

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VERIFICATION

I, \_\_\_\_\_, declare under penalty of perjury under the laws of the State of California that the foregoing responses I have given on this Juror Questionnaire, and on any attached sheets, if any, are true and correct to the best of my knowledge and belief.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature)

*Thank you for your answers.*

Before returning this questionnaire to the Court, please check to see that you have answered all the questions.

## **JOINT PROPOSED VOIR DIRE QUESTIONS**

In accordance with the Court's Case Management and Pretrial Order (D.I. 84), the parties jointly submit the following additional voir dire questions to be posed by the Court.

\* \* \*

1. Have you ever believed or had the experience that someone else has used your intellectual property or work product inappropriately? If so, what happened? Explain the circumstances and what you did about the situation, if anything.
2. Have you or a spouse, partner, significant other, or family member ever lost a job for reasons you consider unfair or unjustified? If so, please explain.
3. Have you heard, read, or seen anything in the press or media about this lawsuit or any lawsuit that is similar? If so, what have you heard, read, or seen? Have you formed any opinions about this lawsuit based on what you have heard, read, or seen?
4. Plaintiffs in this case are seeking punitive damages. Is there anyone here who has an opinion about whether punitive damages are appropriate in a business dispute?
5. Do you have any strong feelings about any computer software companies? If yes, which companies? Please explain.



## **SEPARATE PROPOSED VOIR DIRE QUESTIONS**

In accordance with the Court's Case Management and Pretrial Order (D.I. 84), the parties hereby separately submit the following additional voir dire questions to be posed by the Court.

\* \* \*

### **Defendants' Proposed Voir Dire Questions**

1. All of the parties in this case are corporations. The ethics of corporations are often under question in the news these days. Do you have any strong feelings about corporations?
  
2. One of the defendants in this case, SAP AG, is based in Germany. Do you believe you will be unable to give fair and equal consideration to SAP AG because it is a German company?