EXHIBIT B

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

21   UNITED STATES DISTRICT COURT
22   NORTHERN DISTRICT OF CALIFORNIA
                    OAKLAND DIVISION
23

24 **ORACLE USA, INC.,** *et al.*,	**No. 07-CV-01658 PJH (EDL)**
25 **Plaintiffs,**	PRE-TRIAL STIPULATION AND
v.	[PROPOSED] ORDER NO. 2 REGARDING
26	CERTAIN FACTS, REGISTRATIONS
SAP AG, *et al.*,	AND DEFENSES
27	
Defendants.	
28	

PRE-TRIAL STIPULATION AND ORDER NO. 2 REGARDING CERTAIN FACTS, REGISTRATIONS AND
DEFENSES

1   Plaintiffs Oracle USA, Inc. ("Oracle USA"), Oracle International Corporation

2   ("OIC"), Oracle EMEA Limited, and Siebel Systems, Inc. ("SSI"; and, together with Oracle

3   USA, OIC and Oracle EMEA Ltd., "Oracle") and Defendants SAP AG, SAP America, Inc., and

4   TomorrowNow, Inc ("SAP TN"; and, together with SAP AG and SAP America, Inc.,

5   "Defendants"; and, all together with Oracle, the "Parties"), jointly enter this Stipulation and

6   Order (the "Stipulation").

7   WHEREAS, the Parties have spent three years conducting voluminous discovery,

8   producing more than 10 TB of data and taking nearly 1,000 record hours of deposition thus far;

9   WHEREAS, on May 5, 2010, the Court instructed the Parties to meet and confer

10   so as to streamline this matter for trial;

11   **NOW, THEREFORE, THE PARTIES HEREBY STIPULATE**, through their

12   respective counsel of record, as follows:

13   **I.   DEFINITIONS**

14   1.   "Copy," used as a noun, means a reproduction of, a derivative work of, or a public

15   display of any Oracle Enterprise Software, Oracle Database Software, Oracle Install Software or

16   Oracle Updates and Support Materials that embody a substantial portion of one or more

17   Stipulated Registered Works. "Copy," used as a verb, means to reproduce, to create a derivative

18   work from, or to publicly display any Oracle Enterprise Software, Oracle Database Software,

19   Oracle Install Software or Oracle Updates and Support Materials that embody a substantial

20   portion of one or more Stipulated Registered Works.

21   2.   "Oracle Database Software" means Oracle's Relational Database Management

22   System software.

23   3.   "Oracle Enterprise Software" means Oracle's J.D. Edwards Software, Oracle's

24   PeopleSoft Software, and Oracle's Siebel Software.

25   4.   "Oracle Install Software" means install media in the form of a CD or DVD, an

26   electronic image of a CD or DVD, a binary executable, or a compressed file that, when run or

27   executed, creates one or more instances of Oracle Enterprise Software or Oracle Database

28   Software.

1   5.   "Oracle's J.D. Edwards Software" means Oracle's J.D. Edwards-branded

2   enterprise application software.

3   6.   "Oracle's PeopleSoft Software" means Oracle's PeopleSoft-branded enterprise

4   application software.

5   7.   "Oracle's Siebel Software" means Oracle's Siebel-branded enterprise application

6   software.

7   8.   "Oracle Updates and Support Materials" means without limitation all program

8   updates, software updates, bug fixes, patches, custom solutions, and instructional materials

9   created or owned by Oracle, or derived from, copied from, or based on any such materials,

10   including by SAP AG, SAP America or SAP TN, across the entire family of PeopleSoft-branded,

11   J.D. Edwards-branded, and Siebel-branded products.

12   9.   "Stipulated Registered Works" means Oracle's copyright registrations for Oracle

13   Software, Oracle Database and Oracle Updates and Support Materials as listed in Attachment A.

14   **II.   FACTS**

15   **A.   Interpretation under the Case Management and Pretrial Order**

16   10.   Sections I and II.B-II.G of this Stipulation shall be considered "relevant and

17   undisputed facts to which the parties will stipulate for incorporation into the trial record without

18   the necessity of supporting testimony or exhibits." *See* Case Management and Pretrial Order,

19   Dkt. 84, at 3(a)(iii). Footnotes are intended as references to evidence for the Parties and the

20   Court, and shall not be read to the jury.

21   11.   The Parties agree that Oracle is not prohibited from entering evidence at trial

22   relating to any stipulated facts set forth below.

23   12.   The Parties agree that Oracle is permitted to characterize any stipulated facts that

24   refer or relate to Copying as concessions or admissions.

25   **B.   Separate Copies**

26   13.   Each reference to a Copy in this Stipulation refers to a separate Copy of Oracle

27   Enterprise Software, Oracle Database Software, Oracle Install Software, or Oracle Updates and

28   Support Materials. For the vast majority of Copies, there is no double-counting.

C.   SAP TN's Computers and Network

14.   SAP TN owned dozens of computers, including servers, desktop computers and

laptop computers, on which it stored Oracle Enterprise Software, Oracle Updates and Support

Materials and Oracle Database Software.

15.   After March 1, 2005, a significant amount of Oracle Enterprise Software, Oracle

Updates and Support Materials and Oracle Database Software were copied onto or installed onto

computers owned by SAP TN.

16.   SAP TN's AS/400 was not brought into service by SAP TN until after March 1,

2005.[1]

17.   SAP TN stored at least 214,807 files (over 695 GB in size)[2] and 602 libraries[3]

containing Oracle Updates and Support Materials on SAP TN's IBM AS/400 computer.

18.   All copies of Oracle Enterprise Software ever present on SAP TN's AS/400 were

copied onto or installed on SAP TN's AS/400 after March 1, 2005.

19.   All copies of Oracle Updates and Support Materials ever present on SAP TN's

AS/400 were copied onto SAP TN's AS/400 after March 1, 2005.

20.   SAP TN's computer known as TN-FS01 was not brought into service by SAP TN

until after March 1, 2005.[4]

21.   SAP TN stored at least 273,663 files (over 154 GB in size)[5] containing Oracle

Updates and Support Materials on TN-FS01.

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[1] *See* TN-OR02150053 (stating that "the handover of the AS[/]400 to TomorrowNow" is occurring on March 17-18, 2005).

[2] *See* TN-OR01006965 ("jd-wsvr01 . . . is the xSeries server on the

 iSeries machine."); Table 17 of Appendix D to the Supplemental Expert Report of Kevin Mandia.

[3]Defendants'' Third Amended Response to Request No. 11 of Plaintiffs'' Amended Fifth Set of Requests for Admission; *id.*, Exhibit B.

[4] *See* TN-OR09449935 (stating that "the COMPLETE file transfer . . . to the new TN-FS01" was completed on November 11, 2006). Prior to this date, a different server had been referred to

as TN-FS01. *See id.*

[5] Table 17 of Appendix D to the Supplemental Expert Report of Kevin Mandia.

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1 22. All copies of Oracle Enterprise Software and Oracle Database Software on TN-

2 FS01 were copied onto or installed on TN-FS01 after March 1, 2005.

3 23. All copies of Oracle Updates and Support Materials ever present on TN-FS01 were

4 copied onto TN-FS01 after March 1, 2005.

5 **D. Infringing Copies of Oracle Enterprise Software**

6 24. SAP TN Copied Oracle's Enterprise Software when it installed Oracle's

7 Enterprise Software onto SAP TN's computer systems. SAP TN called these software Copies

8 "environments." Some environments were live environments, available for immediate use by

9 SAP TN employees.

10 25. SAP TN Copied Oracle's Enterprise Software when it created backups of the

11 environments installed on SAP TN's computer systems. Backup environments were zipped or

12 compressed Copies that would need to be restored before they were available for use by SAP TN

13 employees.

14 26. SAP TN Copied Oracle's Enterprise Software when it restored backups of the

15 environments onto SAP TN's computer systems.

16 27. SAP TN made at least 6,189 Copies of Oracle's PeopleSoft Software. Each such

17 Copy constituted an infringement of one or more of the particular Stipulated Registered Works

18 listed in Table A-1, below. These 6,189 Copies include at least 566 live environment Copies,[6]

19 3,141 backup Copies,[7] and 2,482 restore Copies[8]:

20 _____

21 [6] These Copies consist of actual environments found on SAP TN's computer systems, as listed
on the "Actual_Live" tab of ORCLX-MAN-000382. Each actual environment Copy is a Copy

22 of both a version of a PeopleSoft base application, such as PeopleSoft 8 Customer Relationship
Management, and a version of PeopleTools, such as PeopleTools 8.1.

23 [7] These Copies consist of 2,669 backup Copies recorded in BakTrak, as listed in ORCLX-MAN-
000133, and 472 additional backup Copies, listed on ORCLX-MAN-000129, that were present

24 on SAP TN's computer systems but not recorded in BakTrak. Each backup Copy is a Copy of
both a version of a PeopleSoft base application, such as PeopleSoft 8 Customer Relationship

25 Management, and a version of PeopleTools, such as PeopleTools 8.1.

26 [8] These Copies consist of 2,482 restore Copies recorded in BakTrak, as listed in ORCLX-MAN-
000132. Each restore Copy is a Copy of both a version of a PeopleSoft base application, such as

27 PeopleSoft 8 Customer Relationship Management, and a version of PeopleTools, such as

(Footnote Continued on Next Page.)

28

PRE-TRIAL STIPULATION AND ORDER NO. 2 REGARDING CERTAIN FACTS, REGISTRATIONS AND
DEFENSES

Title of Work	Date of Registration	Registration Number
PeopleSoft 8 Customer Relationship Management	September 27, 2001	TX-5-456-777
PeopleSoft 8.8 Customer Relationship Management	June 11, 2004	TX 6-015-317
PeopleSoft 8.8 Enterprise Performance Management	June 11, 2004	TX-5-993-616
PeopleSoft Financials, Distribution & Manufacturing 7.5	December 15, 1998	TX 4-792-574
PeopleSoft 8 Financials and Supply Chain Management: Service Pack 2	September 27, 2001	TX-5-456-780
PeopleSoft 8.4 Financials and Supply Chain Management	August 5, 2002	TX-5-586-247
PeopleSoft HRMS 7.0	December 15 1998	TX 4-792-577
PeopleSoft HRMS 7.5	December 15, 1998	TX 4-792-575
PeopleSoft 8 HRMS SP1	March 26, 2001	TX 5-501-312
PeopleSoft 8.3 HRMS	February 1, 2002	TX 5-469-032
PeopleSoft 8.8 HRMS	June 11, 2004	TX 6-093-947
PeopleSoft 8 Student Administration Solutions	November 30, 2001	TX 5-431-289
PeopleTools 7.5	November 20, 1998	TX 4-792-578
PeopleTools 8.10	September 5, 2000	TX 5-266-221
PeopleTools 8.4	August 5, 2002	TX 5-586-248

Table A-1: Infringed PeopleSoft Application Registrations

28. SAP TN made at least 29 Copies of Oracle's J.D. Edwards Software.[9] Each such Copy constituted an infringement of one or more of the particular Stipulated Registered Works[10] listed in Tables A-3 and A-4, below:

Title of Work	Date of Registration	Registration Number
Initial release of JD Edwards EnterpriseOne Xe	April 26, 2007	TX 6-541-033
Initial release of JD Edwards EnterpriseOne 8.0	April 26, 2007	TX 6-541-050
Initial release of JD Edwards EnterpriseOne 8.10	April 26, 2007	TX 6-541-038
Initial release of JD Edwards EnterpriseOne 8.11	April 26, 2007	TX 6-541-028

(Footnote Continued from Previous Page.)

PeopleTools 8.1.

[9] These Copies consist of at least at least nine J.D. Edwards World A7.3 environments listed on Exhibit 45, at least 12 J.D. Edwards EnterpriseOne Xe environments listed on Exhibit 52, at least three J.D. Edwards World A8.1 environments listed on Exhibit 55, and at least one installation of J.D. Edwards EnterpriseOne Xe, J.D. Edwards EnterpriseOne 8.0, J.D. Edwards EnterpriseOne 8.10, J.D. Edwards EnterpriseOne 8.11, and J.D. Edwards EnterpriseOne 8.12, as discussed in instant messaging between Ashis Ghosh and Pete Surette .

[10] See Attachment A, Tables A-3 and A-4.

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Title of Work	Date of Registration	Registration Number
Initial release of JD Edwards EnterpriseOne 8.12	April 26, 2007	TX 6-541-041
Initial release of JD Edwards World A7.3	April 26, 2007	TX 6-541-029
Initial release of JD Edwards World A8.1	April 26, 2007	TX 6-541-047

Table A-3: Infringed J.D. Edwards Application Registrations

Title of Work	Date of Registration	Registration Number
Cumulative Update 8 for JD Edwards EnterpriseOne Xe	April 26, 2007	TX 6-541-048
Cumulative Update 1 for JD Edwards EnterpriseOne 8.0	April 26, 2007	TX 6-541-034
Cumulative Update 2 for JD Edwards EnterpriseOne 8.10	April 26, 2007	TX 6-541-032
Cumulative Update 1 for JD Edwards EnterpriseOne 8.12	April 26, 2007	TX 6-541-042
Cumulative Update 16 for JD Edwards World A7.3	April 26, 2007	TX 6-541-031
Cumulative Update 6 for JD Edwards World A8.1	May 1, 2007	TX 6-545-421

Table A-4: Infringed J.D. Edwards Cumulative Update Registrations

29.   SAP TN made at least 31 Copies of Oracle's Siebel Software.[11] Each such Copy

constituted an infringement of one or more of the particular Stipulated Registered Works[12] listed

in Table A-6, below:

Title of Work	Date of Registration	Registration Number
Siebel 6.3 Initial Release and Documentation	June 29, 2009	TX 6-941-989
Siebel 7.0.5 Initial Release and Documentation	June 29, 2009	TX 6-941-988
Siebel 7.5.2 Initial Release and Documentation	June 29, 2009	TX 6-941-990
Siebel 7.7.1 Initial Release and Documentation	June 29, 2009	TX 6-941-993
Siebel 7.8 Initial Release and Documentation	June 29, 2009	TX 6-941-995

Table A-6: Infringed Siebel Application Registrations

E.   Infringing Copies of Oracle Enterprise Software and Oracle Database Software from Oracle Install Software

30.   SAP TN obtained Oracle Install Software through its customers. SAP TN made

Copies of Oracle Enterprise Software and Oracle Database Software by Copying the Oracle

Install Software that SAP TN obtained.

31.   SAP TN stored some electronic Copies of Oracle Install Software on its computer

---

[11] These Copies consist of at least six Siebel environments as listed on Exhibit 1623 and at least 25 copies and backup copies, as listed in ORCLX-MAN-000147.

[12] See Attachment A, Table A-5.

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1 systems in an area it referred to as the "CD Client Jukebox" (the "SAP TN CD Client Jukebox").

2   32.   SAP TN Copied CDs of Oracle Enterprise Software and Oracle Database

3 software, placed its own labels on the Copies, and stored them in a set of binders (the "SAP TN

4 CD Binders").

5   33.   Attachment B is a photograph that fairly and accurately represents the SAP TN

6 CD Binders as they were kept by SAP TN.

7   34.   SAP TN made, from Oracle Install Software, at least 127 Copies of Oracle

8 Enterprise Software that it stored in the SAP TN CD Client Jukebox,[13] and at least 727 Copies of

9 Oracle Enterprise Software or Oracle Database Software that it stored in the SAP TN CD

10 Binders.[14]

11   35.   The Copies of Oracle Enterprise Software and Oracle Database Software stored in

12 the SAP TN CD Client Jukebox and the SAP TN CD Binders infringed one or more of the

13 particular Stipulated Registered Works listed in Attachment A, Tables A-1, A-3, A-6 and A-8.

14   **F.**   **Infringing Copies of Oracle Updates and Support Materials and of Component Files**

15

16   36.   SAP TN downloaded approximately 9 million Oracle Updates and Support

17 Materials from Oracle's websites.

18   37.   Of the Oracle Updates and Support Materials that SAP TN downloaded from

19 Oracle's websites, at least 826,905[15] were Copies that infringed one or more of the Stipulated

20 Registered Works listed in Attachment A, Tables A-1, A-2, A-5 and A-7.

21   38.   The following 39,349 Copies made by SAP TN of Oracle Updates and Support

22 _____

23 [13] Table 9 of the Appendices to the Supplemental Expert Report of Kevin Mandia.

24 [14] ¶ 233 of the Supplemental Expert Report of Kevin Mandia

[15] Consisting of 114 Copies of Software and Support Materials found on the Data Warehouse, as
25 described in Table 53 of the Appendices to the Supplemental Expert Report of Kevin Mandia; at
least 225,843 Copies of Software and Support Materials found on the Data Warehouse and on
26 DCITBU01, as described in Table 20 and ¶ 222 of the Supplemental Expert Report of Kevin
Mandia; and, at least 600,948 Copies of Oracle Software, as described in Table 20 of Appendix
27 E to the Supplemental Expert Report of Kevin Mandia.

28

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1 Materials, taken together, infringed one or more of the Stipulated Registered Works listed in

2 Attachment A, Tables A-3 and A-4:

3   a.   SAP TN made at least 31,334 Copies of Oracle Updates and Support

4   Materials by downloading those Copies in excess of the license rights for

5   customers Merck, Oce Technologies, SPX Cooling, SPX Flow, SPX Weil-

6   McLain, Yazaki North America and Metro Machine;[16]

7   b.   SAP TN made at least 5,442 Copies of Oracle Updates and Support

8   Materials by downloading those Copies from Oracle's website into a

9   generic download library—not a customer-specific library—at SAP TN,

10   and then further Copying them into a customer-labeled folder for customer

11   Praxair;[17] and

12   c.   SAP TN made at least 2,573 Copies of Oracle Updates and Support

13   Materials by downloading those Copies from Oracle's website and Copying

14   them into a folder for TBC Corp., which was never an SAP TN customer.[18]

15   **G.**   **SAP TN's Business**

16   39.   SAP TN had access to Oracle Software, Oracle Database and Updates and

17 Support Materials, and Install Software embodying each of the Stipulated Registered Works.

18   40.   SAP TN infringed each of the Stipulated Registered Works.

19   41.   SAP TN's support for the majority of its customers was based on SAP TN's use

20 of other customers' software.

21   42.   SAP TN continued to infringe some or all of the Stipulated Registered Works

22 after Oracle filed this lawsuit on March 22, 2007.

23   43.   Defendants had no authority or license to create all Copies described in Section II,

24

25 [16] Table 15 of the Supplemental Expert Report of Kevin Mandia; ORCLX-MAN-000116.

26 [17] ORCLX-MAN-000389.

27 [18] ORCLX-MAN-000389.

28

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1   above.

2   **III.   VOLUNTARY DISMISSALS OF CERTAIN REGISTRATIONS AND DEFENSES**

3   44.   Oracle shall voluntarily dismiss its claims for copyright infringement as to the

4   registrations listed in Attachment C, conditioned upon the execution of this stipulation by all

5   Parties and upon entry of the Court's order regarding this stipulation. Defendants shall consent

6   to dismissal with prejudice and shall waive costs and any claim for attorneys' fees associated

7   with these registrations.

8   45.   Defendants shall voluntarily dismiss their first, fifteenth and sixteenth affirmative

9   defenses of copyright invalidity, statute of limitations and failure to mitigate, conditioned upon

10   the execution of this stipulation by all Parties and upon entry of the Court's order regarding this

11   stipulation. Plaintiffs shall consent to dismissal with prejudice and shall waive costs and any

12   claim for attorneys' fees associated with these defenses.

13   46.   All Parties shall be precluded from referring, directly or indirectly, at trial to

14   dismissal of these registrations and defenses.

15   **IV.   ADMISSIBILITY OF EVIDENCE**

16   47.   The Parties agree that Attachment A, Attachment B and the documents and

17   Exhibits referenced in Section II shall be admitted into evidence at trial.

18

19

20   DATED: July [   ], 2010   BINGHAM McCUTCHEN LLP

21   By:_____

22   Geoff Howard
                                                             Attorneys for Plaintiffs
23   Oracle USA, Inc., Oracle International
                                                     Corporation, Oracle EMEA Limited, and
24   Siebel Systems, Inc.

25   In accordance with General Order No. 45, Rule X, the above signatory attests that

26   concurrence in the filing of this document has been obtained from the signatory below.

27

28

DATED: July [__], 2010   JONES DAY

                                                    By:_____

                                                         Scott Cowan
                                                    Attorneys for Defendants
                                                    SAP AG, SAP America, Inc., and
                                                    TomorrowNow, Inc.

        IT IS SO ORDERED.

Dated: July ___, 2010

                                                    _____

                                                         Phyllis J. Hamilton
                                                    United States District Judge

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ATTACHMENT A

Title of Work	Date of Registration	Registration Number
PeopleSoft 8 Customer Relationship Management	September 27, 2001	TX-5-456-777
PeopleSoft 8.8 Customer Relationship Management	June 11, 2004	TX 6-015-317
PeopleSoft 8.8 Enterprise Performance Management	June 11, 2004	TX-5-993-616
PeopleSoft Financials, Distribution & Manufacturing 7.5	December 15, 1998	TX 4-792-574
PeopleSoft 8 Financials and Supply Chain Management: Service Pack 2	September 27, 2001	TX-5-456-780
PeopleSoft 8.4 Financials and Supply Chain Management	August 5, 2002	TX-5-586-247
PeopleSoft HRMS 7.0	December 15 1998	TX 4-792-577
PeopleSoft HRMS 7.5	December 15, 1998	TX 4-792-575
PeopleSoft 8 HRMS SP1	March 26, 2001	TX 5-501-312
PeopleSoft 8.3 HRMS	February 1, 2002	TX 5-469-032
PeopleSoft 8.8 HRMS	June 11, 2004	TX 6-093-947
PeopleSoft 8 Student Administration Solutions	November 30, 2001	TX 5-431-289
PeopleTools 7.5	November 20, 1998	TX 4-792-578
PeopleTools 8.10	September 5, 2000	TX 5-266-221
PeopleTools 8.4	August 5, 2002	TX 5-586-248

Table A-1: Infringed PeopleSoft Application Registrations

Title of Work	Date of Registration	Registration Number
Database of Documentary Customer Support Materials for PeopleSoft Software	July 1, 2009	TXu1-607-454
PeopleTools Third Party Daylight Saving Time Required Modifications	April 26, 2007	TX 6-541-019
PeopleTools Third Party Daylight Saving Time Required Modifications (Revised)	April 26, 2007	TX 6-541-018
PeopleSoft 8.01 & 8.31 Payroll Tax Update 05-F Year-End Processing: Canada	May 2, 2008	TX 6-838-549
PeopleSoft Payroll 1200457000 - User Documentation	May 2, 2008	TX 6-838-537
PeopleSoft Application Update Installation Instructions (UPD595817)	May 2, 2008	TX 6-838-544

Table A-2: Infringed Oracle Updates and Support Materials Registrations for Oracle's PeopleSoft-branded Products

Title of Work	Date of Registration	Registration Number
Initial release of JD Edwards EnterpriseOne Xe	April 26, 2007	TX 6-541-033
Initial release of JD Edwards EnterpriseOne 8.0	April 26, 2007	TX 6-541-050
Initial release of JD Edwards EnterpriseOne 8.10	April 26, 2007	TX 6-541-038
Initial release of JD Edwards EnterpriseOne 8.11	April 26, 2007	TX 6-541-028
Initial release of JD Edwards EnterpriseOne 8.12	April 26, 2007	TX 6-541-041

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Title of Work	Date of Registration	Registration Number
Initial release of JD Edwards World A7.3	April 26, 2007	TX 6-541-029
Initial release of JD Edwards World A8.1	April 26, 2007	TX 6-541-047

Table A-3: Infringed J.D. Edwards Application Registrations

Title of Work	Date of Registration	Registration Number
Cumulative Update 8 for JD Edwards EnterpriseOne Xe	April 26, 2007	TX 6-541-048
Cumulative Update 1 for JD Edwards EnterpriseOne 8.0	April 26, 2007	TX 6-541-034
Cumulative Update 2 for JD Edwards EnterpriseOne 8.10	April 26, 2007	TX 6-541-032
Cumulative Update 1 for JD Edwards EnterpriseOne 8.12	April 26, 2007	TX 6-541-042
Cumulative Update 16 for JD Edwards World A7.3	April 26, 2007	TX 6-541-031
Cumulative Update 6 for JD Edwards World A8.1	May 1, 2007	TX 6-545-421

Table A-4: Infringed J.D. Edwards Cumulative Update Registrations

Title of Work	Date of Registration	Registration Number
Database of Documentary Customer Support Materials for J.D. Edwards Software	July 1, 2009	TXu1-607-455
Changes to Daylight Savings Time for 2007 (DST)	April 26, 2007	TX 6-541-025
ESU for JD Edwards EnterpriseOne Xe	May 3, 2007	TX 6-541-051
ESU for JD Edwards EnterpriseOne 8.0	April 26, 2007	TX 6-541-046
ESU for JD Edwards EnterpriseOne 8.9	April 26, 2007	TX 6-541-036
ESU for JD Edwards EnterpriseOne 8.10	April 26, 2007	TX 6-541-037
ESU for JD Edwards EnterpriseOne 8.11	April 26, 2007	TX 6-541-035
ESU for JD Edwards EnterpriseOne 8.11 SP1	April 26, 2007	TX 6-541-027
ESU for JD Edwards EnterpriseOne 8.12	April 26, 2007	TX 6-541-045
Code Change for JD Edwards World A7.3	April 26, 2007	TX 6-541-043
Code Change for JD Edwards World A8.1	April 26, 2007	TX 6-541-044
E1: 07/77: Quantum for Payroll Tax v.280	April 26, 2007	TX 6-541-022
E1: 1099: Year 2006 1099 ESUs	April 26, 2007	TX 6-541-024
EAP WTHD06: 1099 IRS changes for the year 2006	April 26, 2007	TX 6-541-023
JD Edwards World -- 1099 Changes for Tax Year 2006	April 26, 2007	TX 6-541-026
ECRM89: Common Errors on Mobile Sales	April 26, 2007	TX 6-541-020
GM--Grants issues resolved by FMS ESA 8.9 Bundle #10-653723 (Oct 06)	April 26, 2007	TX 6-541-021

Table A-5: Infringed Oracle Updates and Support Materials Registrations for Oracle's J.D. Edwards-branded Products[19]

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[19] The Cumulative Updates, separately listed in Table A-3, are also Oracle Update and Support Materials for Oracle's J.D. Edwards-branded products.

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Title of Work	Date of Registration	Registration Number
Siebel 6.3 Initial Release and Documentation	June 29, 2009	TX 6-941-989
Siebel 7.0.5 Initial Release and Documentation	June 29, 2009	TX 6-941-988
Siebel 7.5.2 Initial Release and Documentation	June 29, 2009	TX 6-941-990
Siebel 7.7.1 Initial Release and Documentation	June 29, 2009	TX 6-941-993
Siebel 7.8 Initial Release and Documentation	June 29, 2009	TX 6-941-995

Table A-6: Infringed Siebel Application Registrations

Title of Work	Date of Registration	Registration Number
Database of Documentary Customer Support Materials for Siebel Software	July 1, 2009	TXu1-607-453

Table A-7: Infringed Oracle Updates and Support Materials Registrations for Oracle's Siebel-branded Products

Title of Work	Date of Registration	Registration Number
Oracle 8i Enterprise Edition, release 2 (8.1.6)	February 2, 2001	TX 5-222-106
Oracle9i Database Enterprise : Edition Release 2	June 13, 2003	TX 5-673-282
Oracle Database 10g: Release 2	June 29, 2009	TX 6-942-003

Table A-8: Infringed Oracle Database Registrations

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PRE-TRIAL STIPULATION AND ORDER NO. 2 REGARDING CERTAIN FACTS, REGISTRATIONS AND DEFENSES

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ATTACHMENT B

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ATTACHMENT C

Title of Work	Date of Registration	Registration Number
PeopleSoft 8.1 Customer Relationship Management	March 20, 2002	TX 5-493-450
PeopleSoft 8 EPM SP3	March 30, 2001	TX 5-345-698
PeopleSoft 8.3 Enterprise Performance Management	March 11, 2002	TX 5-485-839
PeopleSoft 7.0 financials, distribution & manufacturing 7.0	December 15, 1998	TX 4-792-576
PeopleSoft Financials and Supply Chain Management (FIN/SCM) 8.0	November 20, 2000	TX 5-291-439
PeopleSoft 8 FIN/SCM SP1	March 26, 2001	TX 5-501-313
PeopleSoft HRMS 8.0	November 20, 2000	TX 5-291-440
PeopleTools 8.0	September 5, 2000	TX 5-266-222
PeopleSoft Pension Administration 7	June 21, 1999	TX 3-772-290
PeopleSoft Payroll 7	June 22, 1999	TX 4-501-140
PeopleSoft Payroll Interface 7	June 22, 1999	TX 4-501-138
PeopleSoft Time and Labor 7.0	June 28, 1999	TX 4-994-866
PeopleSoft Benefits Administration 7.0	June 15, 1999	TX 4-258-824
PeopleSoft Human Resources 7	June 28, 1999	TX 4-994-865
PeopleSoft Payroll Interface 7 Higher Education	June 28, 1999	TX 5-013-124
PeopleSoft Time and Labor 7	June 28, 1999	TX 5-013-128
PeopleSoft Benefits Administration 7.50	June 14, 1999	TX 5-072-090
PeopleSoft Payroll Interface 7.50	June 21, 1999	TX 3-772-292
PeopleSoft Pension Administration 7.50	June 21, 1999	TX 3-772-291
PeopleSoft Human Resources 7.50	June 28, 1999	TX 5-013-123
PeopleSoft Payroll 7.50	June 28, 1999	TX 5-013-125
PeopleSoft Time and Labor 7.50	June 28, 1999	TX 4-994-867
Current development environment for JD Edwards EnterpriseOne Xe	April 26, 2007	TXu1-345-109
Current development environment for JD Edwards EnterpriseOne 8.0	April 26, 2007	TXu1-345-111
Current development environment for JD Edwards EnterpriseOne 8.9	April 26, 2007	TXu1-345-112
Current development environment for JD Edwards EnterpriseOne 8.10	April 26, 2007	TXu1-345-113
Current development environment for JD Edwards EnterpriseOne 8.11	April 26, 2007	TXu1-345-114
Current development environment for JD Edwards EnterpriseOne 8.11 SP1	April 26, 2007	TXu1-345-115
Current development environment for JD Edwards EnterpriseOne 8.12	April 26, 2007	TXu1-346-350
Current development environment for JD Edwards World A7.3	April 26, 2007	TXu1-345-110
Current development environment for JD Edwards World A8.1	May 1, 2007	TX 6-545-422
Initial release of JD Edwards EnterpriseOne 8.9	April 26, 2007	TX 6-541-049
Initial release of JD Edwards EnterpriseOne 8.11 SP1	April 26, 2007	TX 6-541-040
Initial release of JD Edwards World A9.1	April 26, 2007	TX 6-541-030
Cumulative Update 1 for JD Edwards	April 26, 2007	TX 6-541-039

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1	EnterpriseOne 8.11 SP1		
	Accounts Payable program	March 7, 1995	TXu 619-320
2	Accounts Receivable program	March 7, 1995	TXu 619-312
	Capacity Requirements Planning program	March 7, 1995	TXu 619-307
3	Configuration Management program	March 7, 1995	TXu 619-305
	EDI Interface (6) program	March 7, 1995	TXu 619-304
4	Enterprise Facility Planning program	March 7, 1995	TXu 619-311
	Equipment Management (5) program	March 7, 1995	TXu 619-309
5	Financial Modeling, Budgeting & Allocations program	March 7, 1995	TXu 619-321
6	Financial Reporting (FASTR) program	March 7, 1995	TXu 619-318
	General Ledger & Basic Financial program	March 7, 1995	TXu 619-310
7	Inventory Management program	March 7, 1995	TXu 619-314
	Master Production Scheduling program	March 7, 1995	TXu 619-306
8	Product Data Management program	March 7, 1995	TXu 619-317
9	Purchase Order Processing program	March 7, 1995	TXu 619-316
	Sales Order Processing/Sales Analysis program	March 7, 1995	TXu 619-315
10	Shop Floor Control program	March 7, 1995	TXu 619-303
	Warehouse Management program	March 7, 1995	TXu 619-313
11	WorldCASE Development Environment program	March 7, 1995	TXu 619-308
	WorldCASE Foundation Environment (3) program	March 7, 1995	TXu 619-319
12	Siebel 8.0 Initial Release and Documentation	June 29, 2009	TX 6-942-000
13	Siebel 8.1.1 Initial Release and Documentation	June 29, 2009	TX 6-942-001
14	Oracle Relational Database Management System (RDBMS): Release 8.0.4	November 21, 2001	TX 5-392-842
15	Oracle Relational Database Management System (RDBMS), Release 8.0.5	November 21, 2001	TX 5-392-861
16	Oracle9i Database Enterprise : Edition Release 1	June 13, 2003	TX 5-673-281
17	Oracle Database 10g: Release 1	January 16, 2009	TX 6-938-648

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