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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND DIVISION

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

Plaintiffs,

v.

SAP AG, *et al.*,

Defendants.

No. 07-CV-01658 PJH (EDL)

**DECLARATION OF ZACHARY J.  
 ALINDER IN SUPPORT OF  
 PLAINTIFFS' MOTION NO. 4: TO  
 EXCLUDE TESTIMONY OF  
 DEFENDANTS' EXPERT DONALD  
 REIFER**

Date: September 30, 2010  
 Time: 9 a.m.  
 Place: Courtroom 3  
 Judge: Hon. Phyllis J. Hamilton

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

DECLARATION OF ZACHARY J. ALINDER IN SUPPORT OF PLAINTIFFS' MOT. NO. 4: TO EXCLUDE  
 TESTIMONY OF DEFENDANTS' EXPERT DONALD REIFER

1 I, Zachary J. Alinder, declare as follows:

2 1. I am an attorney licensed to practice law in the State of California and am  
3 a partner at Bingham McCutchen LLP, counsel of record for plaintiffs Oracle USA, Inc., Oracle  
4 International Corporation, Oracle EMEA Ltd., and Siebel Systems, Inc. (collectively, "Oracle").  
5 I have personal knowledge of the facts stated within this Declaration and could testify  
6 competently to them if required.

7 2. Attached as Exhibit A is a true and correct copy of relevant excerpts from  
8 the Expert Rebuttal Report of Donald Reifer, served by Defendants on March 26, 2010. Non-  
9 relevant portions of the Report have been either excluded or redacted.

10 3. Attached as Exhibit B is a true and correct copy of relevant excerpts from  
11 the transcript of the June 18, 2010 Deposition of Donald Reifer. Non-relevant portions of the  
12 deposition transcript have been either excluded or redacted.

13 4. Attached as Exhibit C is a true and correct copy of relevant excerpts from  
14 the Expert Report of Paul C. Pinto, served by Oracle on November 16, 2009. Non-relevant  
15 portions of the Report have been either excluded or redacted.

16 5. Attached as Exhibit D is a true and correct copy of relevant excerpts from  
17 the transcript of the May 19, 2010 Deposition of Paul C. Pinto. Non-relevant portions of the  
18 deposition transcript have been either excluded or redacted.

19 6. Attached as Exhibit E is a true and correct copy of the May 19, 2010  
20 Notes re Response to Rebuttal Report of Donald Reifer, which was produced prior to Mr. Pinto's  
21 May 19, 2010 Deposition, and which was marked as Exhibit 3241 to the Deposition of Donald  
22 Reifer. Non-relevant portions of the deposition transcript have been either excluded or redacted.

23

24 I declare under penalty of perjury under the laws of the United States that the  
25 foregoing facts are true and correct, and that this Declaration was executed on August 19, 2010,  
26 in San Francisco, CA.

27

/s/ Zachary J. Alinder  
Zachary J. Alinder

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