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

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

21 ORACLE CORPORATION, et al.,

22 Plaintiffs,

23 v.

24 SAP AG, et al.,

25 Defendants.

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

**DEFENDANT TOMORROWNOW,
INC.'S THIRD AMENDED AND
SUPPLEMENTAL RESPONSE TO
PLAINTIFF ORACLE USA, INC.'S
SECOND SET OF
INTERROGATORIES**

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23 **RESPONSE TO INTERROGATORY NO. 14(A):**

24 THIS RESPONSE IS DESIGNATED AS CONFIDENTIAL.

25 This response is the separate supplemental response required by the Court's August 31,
26 2009 Order and: (1) generally describes the process used, (2) provides an approximation of the
27 amount of time spent, (3) provides an approximation of the expense incurred and (4) provides a
28 list of the former employees consulted to provide the narrative contained in the second

1 supplemental response above. To provide the foregoing narrative responses for each master fix
2 record, TomorrowNow, with the assistance of its counsel¹² in this litigation, reviewed extensive
3 records and either communicated with or attempted to communicate with numerous former
4 TomorrowNow employees that appeared to be involved in a substantive way with each master fix
5 record for which a response was provided. A complete list of the sources relied on and the former
6 employees that TomorrowNow attempted to communicate with is contained under a heading for
7 each master fix record below. In all, TomorrowNow reasonably believes that in excess of 500
8 attorney hours totaling over \$142,000 in fees and related expenses incurred by TomorrowNow in
9 providing the combined narrative supplemental responses to Interrogatory 14 and preparing this
10 response to Interrogatory 14(a).

11 **PeopleSoft Master Fix Record CSS-TN-0112069292**

12 TomorrowNow reviewed and relied on all of the data specifically identified in the
13 narrative above. In addition, TomorrowNow reviewed and relied on the following:

- 14 • The SAS Database: *See* TN-OR04446719, TN (Hard Drive). 75
- 15 • TomorrowNow Mail03 Server: *See* TN-OR04497668, TN (Hard Drive).78.
- 16 • TomorrowNow Web01 Server: *See* TN-OR04497673, TN (Disc).186
- 17 • TN-FS01_F "Record": *See* TN-OR06577704, TN (Hard Drive).93; TN-OR0657705,
18 TN (Hard Drive).94; TN-OR0657706, TN (Hard Drive).95
- 19 • BakTrak: *See* TN-OR 06125330, TN (Disc).202
- 20 • Deposition testimony in this case to date
- 21 • TN-OR03639758-89; TN-OR06528151-54; TN-OR06517337-40; TN-OR00308459-
22 73; TN-OR00832523-24; TN-OR03662637-38; TN-OR01186897; TN-OR07002783-
23 84; TN-OR07002786; TN-OR07002798; TN-OR03639582; TN-OR01193250; TN-
24 OR03639726-29; TN-OR03639793-94; TN-OR00832683; TN-OR06533226-29; TN-
25 OR02487331-32; TN-OR00905000-01; TN-OR02194345; TN-OR01207673; TN-
26 OR03640068; TN-OR00925193; TN-OR01187008-09; TN-OR07023266; TN-
27 OR07002799; TN-OR07023284; TN-OR07002841-42; TN-OR06997884-85; TN-

28 ¹²*See* fn. 1, *supra*.

1 OR00929865-67; TN-OR00832691; TN-OR00929873; TN-OR00929869; TN-
2 OR07002899; TN-OR07002900-01; TN-OR01186924-25; TN-OR00929875; TN-
3 OR01193297-98; TN-OR00402008; TN-OR00832699; TN-OR06527270-71; TN-
4 OR01186987; TN-OR02604931; and TN-OR03639865-66.

5 Further, TomorrowNow through its counsel spoke with Catherine Hyde, Melissa
6 Dominguez (Garcia), Beth Lester, Wanda Jones, Sharon Piper, and Kimberly Martinez.

7 **PeopleSoft Master Fix Record TN-AP06OCT**

8 TomorrowNow reviewed and relied on all of the data specifically identified in the
9 narrative above. In addition, TomorrowNow reviewed and relied on the following:

- 10 • The SAS Database: *See* TN-OR04446719, TN (Hard Drive).75
- 11 • The TomorrowNow Mail03 Server: *See* TN-OR04497668, TN (Hard Drive).78
- 12 • The TomorrowNow Web01 Server: *See* TN-OR04497673, TN (Disc).186
- 13 • The TomorrowNow TN-FS01_F Server: *See* TN-OR06577704, TN (Hard Drive).93;
14 TN-OR0657705, TN (Hard Drive).94; TN-OR0657706, TN (Hard Drive).95
- 15 • BakTrak: *See* TN-OR 06125330, TN (Disc).202
- 16 • Deposition testimony in this case to date
- 17 • TN-OR01272030 – TN-OR01272035; TN-OR01272036 – TN-OR01272039; TN-
18 OR01274518 – TN-OR01274521; TN-OR01678657; TN-OR05196514 – TN-
19 OR05196518; TN-OR01272029; TN-OR07026482 – TN-OR07026484; TN-
20 OR05354906 – TN-OR05354907; TN-OR05355372 – TN-OR05355373; TN-
21 OR07026555 – TN-OR07026557; TN-OR05356130 – TN-OR05356131; TN-
22 OR01243610; TN-OR01243611 – TN-OR01243652; TN-OR01243653 – TN-
23 OR01243661; TN-OR01251667 – TN-OR01251668; TN-OR01251669 – TN-
24 OR01251682; TN-OR00712126 – TN-OR00712127; TN-OR05357774 – TN-
25 OR05357775; TN-OR00432953; TN-OR07820731 – TN-OR07820732; TN-
26 OR05399873 – TN-OR05399874; TN-OR00906120 – TN-OR00906121; TN-
27 OR01251902 – TN-OR01251904; TN-OR07820798 – TN-OR07820802; TN-
28 OR07820806 – TN-OR07820811; TN-OR07231532; TN-OR00906122 – TN-

1 OR00906425; TN-OR06852438; TN-OR07847580; TN-OR00912459 – TN-
2 OR00912460; TN-OR07820925 – TN-OR07820927; TN-OR07820940 – TN-
3 OR07820941; TN-OR05400217 – TN-OR05400220; TN-OR07820958 – TN-
4 OR07820960; TN-OR07847695; TN-OR07820967 – TN-OR07820971; TN-
5 OR07847988; TN-OR07847990; TN-OR00921131; TN-OR07848102; TN-
6 OR00906140 – TN-OR00906141; TN-OR00906142; TN-OR00402460; TN-
7 OR07821248 – TN-OR07821252; TN-OR00906143 – TN-OR00906144; TN-
8 OR07821256 – TN-OR07821258; TN-OR01262906 – TN-OR01262910; TN-
9 OR00402461; TN-OR00402462; TN-OR00402463; TN-OR00402464; TN-
10 OR00402465; TN-OR00402466; TN-OR00402467; TN-OR00402468; TN-
11 OR00402469; TN-OR02194797; TN-OR02194798; TN-OR02194799; TN-
12 OR02194800; TN-OR02194801; TN-OR02194802; TN-OR02194803; TN-
13 OR02194804; TN-OR07231666 – TN-OR07231667; TN-OR05402681 – TN-
14 OR05402682; TN-OR06201738 – TN-OR06201739; TN-OR00906146; TN-
15 OR01262916 – TN-OR01262917; TN-OR01262923 – TN-OR01262924; TN-
16 OR07848488; TN-OR01252520; TN-OR01252563 – TN-OR01252564; TN-
17 OR01252576 – TN-OR01252578; TN-OR00906151 – TN-OR00906152; TN-
18 OR00906153; TN-OR07821341; TN-OR00906154; TN-OR02194806; TN-
19 OR07849161; TN-OR00906161; TN-OR02194807; TN-OR02194808; TN-
20 OR05403064 – TN-OR05403065; TN-OR00906163 – TN-OR00906164; TN-
21 OR02194809; TN-OR02194810; TN-OR05503264 – TN-OR05503265; TN-
22 OR05403114 – TN-OR05403115; TN-OR05403125 – TN-OR05403127; and TN-
23 OR00906173

24 Further, TomorrowNow, through its counsel, spoke with Prasad Pinnamarju, Mario
25 Ramia, Fernando Camblor, and Melissa Dominguez (Garcia). After a number of attempts,
26 TomorrowNow was unable to contact Tim Harper or Cynthia Teo.
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PeopleSoft Master Fix Record CSS-TN-0103076718

TomorrowNow reviewed and relied on all of the data specifically identified in the narrative above. In addition, TomorrowNow reviewed and relied on the following:

- The SAS Database: *See* TN-OR04446719, TN (Hard Drive).75
- TomorrowNow Mail03 Server: *See* TN-OR04497668, TN (Hard Drive).78
- TomorrowNow Web01 Server: *See* TN-OR04497673, TN (Disc).186
- TomorrowNow TN-FS01_F: *See* TN-OR06577704, TN (Hard Drive).93; TN-OR0657705, (TN Hard Drive).94; TN-OR0657706, TN (Hard Drive).95
- BakTrack: *See* TN-OR 06125330, TN (Disc).202
- Deposition testimony in this case to date
- TN-OR06571679-80; TN-OR01210130-31; TN-OR02746203-05; TN-OR02847731-33; TN-OR02095127-29; TN-OR02814500-06; TN-OR00044621-29; TN-OR00759797; TN-OR00759805-11; TN-OR00759821-29; TN-OR00759830; TN-OR02641588-96; TN-OR00698936-37; TN-OR02096532; TN-OR02821118-19; TN-OR03526022; TN-OR03526030-32; TN-OR03526101-02; TN-OR06206392-95; TN-OR07854985-88; TN-OR00834569-72; TN-OR03536172-177; TN-OR03542713-14; TN-OR07823999-4002; TN-OR03536322-23; TN-OR00686608-10; TN-OR00764487-89; TN-OR00409272-84; TN-OR00764593; TN-OR03536361-62; TN-OR03536373-74; TN-OR01190503-06; TN-OR03536403-05; TN-OR02099571-74; TN-OR03528365-74; TN-OR03528375; TN-OR02110964-69; TN-OR02111282-87; TN-OR00915792-94; TN-OR07007671-73; TN-OR00915887-89; TN-OR01628869-71; TN-OR01200427-30; TN-OR00705616-36; TN-OR03530243-45; TN-OR00906420-23; TN-OR07049961-62; TN-OR00835308-13; TN-OR01201628-30; TN-OR07007730; TN-OR07007731-34; TN-OR07814384-412; TN-OR03532930; TN-OR01202124-29; TN-OR00707238-43; TN-OR01190944-45; TN-OR07862461-84; TN-OR07041417-20; TN-OR01202098-101; TN-OR00707326-27; TN-OR03533853-54; TN-OR07862485-90; TN-OR06047686-87; TN-OR07031945-47; and TN-OR07047811-13.

1 Further, TomorrowNow through its counsel spoke with Matthew Bowden, Barry Rapavy,
2 Sara Lu, David Swartwood, Shelley Blackmarr, and Kimberly Martinez regarding this master fix
3 record.

4 **PeopleSoft Master Fix Record 2005B-751C**

5 TomorrowNow reviewed and relied on all of the data specifically identified in the
6 narrative above. In addition, TomorrowNow reviewed and relied on the following:

- 7 • The SAS Database: *See* TN-OR04446719, TN (Hard Drive).75
- 8 • Mail03 Server: *See* TN-OR04497668, TN(Hard Drive).78
- 9 • Web01 Server: *See* TN-OR04497673, TN (Disc).186
- 10 • TN-FS01_F: *See* TN-OR06577704, TN (Hard Drive).93; TN-OR0657705, TN (Hard
11 Drive).94; TN-OR0657706, TN (Hard Drive).95
- 12 • BakTrak: *See* TN-OR 06125330, TN (Disc).202
- 13 • Matrix: *See* TN-OR04446718, TN (Disc).174
- 14 • Deposition testimony in this case to date
- 15 • TN-OR00707936; TN-OR02252544; TN-OR02252570-75; TN-OR02252577; TN-
16 OR02252603-08; TN-OR02359580; TN-OR02359606-11; TN-OR02359613; TN-
17 OR02359639-44; TN-OR02359646; TN-OR02359672-77; TN-OR02484599; TN-
18 OR02484625-30; TN-OR02599717; TN-OR02599743-48; TN-OR02701972; TN-
19 OR02701998-03; TN-OR02702005; TN-OR02702031-36; TN-OR00842557; TN-
20 OR00714353-80; TN-OR00842591; TN-OR0TN-OR00842607; TN-OR00401147;
21 TN-OR00401148; TN-OR00401149; TN-OR00401150; TN-OR00401151; TN-
22 OR00401152; TN-OR00401153; TN-OR00401154; TN-OR00401155; TN-
23 OR00401156; TN-OR00401157; TN-OR00679301; TN-OR00842742; TN-
24 OR01185063; TN-OR02254075; TN-OR02254076; TN-OR02255243; TN-
25 OR02255244-49; TN-OR02601419; TN-OR02601420; TN-OR02602587; TN-
26 OR02602588-93; TN-OR0; TN-OR02881239; TN-OR02882411; TN-OR02882412-
27 17; TN-OR00401292; TN-OR00842832; TN-OR00842833; TN-OR03623799; TN-
28 OR00401161; TN-OR00401162; TN-OR00401163; TN-OR00401164; TN-

1 OR00401165; TN-OR00401166; TN-OR00401167; TN-OR00401168; TN-
2 OR00401169; TN-OR0401170; TN-OR00679355; TN-OR00842860; TN-
3 OR00842862; TN-OR02193847; TN-OR02256143; TN-OR02256168-73; TN-
4 OR02256174-77; TN-OR02602646; TN-OR02602671-76; TN-OR02602677-80; TN-
5 OR02624689; TN-OR02702988; TN-OR02703163; TN-OR02703164-69; TN-
6 OR03623928-30; TN-OR02726979-84; TN-OR02726985-88; TN-OR02360176; TN-
7 OR02861476; TN-OR00212174-75; TN-OR02404867-68; TN-OR0714484-90; TN-
8 OR03659275-79; TN-OR02511829-32; TN-OR02727205-18; TN-OR02837479; TN-
9 OR02360295; TN-OR02360320-25; TN-OR02360327; TN-OR02360352-57; TN-
10 OR02360359; TN-OR02360384-89; TN-OR02485425; TN-OR02485450-55; TN-
11 OR02485457; TN-OR02485482-87; TN-OR02602801; TN-OR02602826-31; TN-
12 OR02703269; TN-OR02703294-99; TN-OR02703301; TN-OR02703326-31; TN-
13 OR02703333; TN-OR02703358-63; TN-OR02703365; TN-OR02703390-95; and TN-
14 OR02851938-41.

15 Further, TomorrowNow through its counsel spoke with Catherine Hyde, Beth Lester,
16 Sharon Piper, and Melissa Dominguez/Garcia.

17 **PeopleSoft Master Fix Record CSS-TN-0114089315**

18 TomorrowNow reviewed and relied on all of the data specifically identified in the
19 narrative above. In addition, TomorrowNow reviewed and relied on the following:

- 20 • The SAS Database: *See* TN-OR04446719, TN (Hard Drive). 75
- 21 • TomorrowNow Mail03 Server: *See* TN-OR04497668, TN(Hard Drive).78
- 22 • TomorrowNow Web01 Server: *See* TN-OR04497673 TN (Disc).186
- 23 • TN-FS01_F: *See* TN-OR06657301, TN (Hard Drive). 98; TN-OR06756457, TN
- 24 (Hard Drive). 102; TN-OR07099077, TN (Disc). 258; TN-OR 07099078, TN (Hard
- 25 Drive). 104
- 26 • BakTrak: *See* TN-OR 06125330, TN (Disc).202
- 27 • PathFinder: *See* TN-OR 04498712, TN (Disc).190
- 28 • Deposition testimony in this case to date

- 1 • TN-OR05210162; TN-OR05991124-58; TN-OR06090548-62; TN-OR06090756-87;
2 TN-OR06419355-74; TN-OR00656298-99; TN-OR00619817-18; TN-OR05231773;
3 TN-OR06083512-13; TN-OR05155222-24; TN-OR06030568-70; TN-OR06090791-
4 814; and TN-OR06068669-99

5 Further, TomorrowNow through its counsel spoke with Sharon Piper, Rick Frank, Dale
6 Wade, and Kimberly Martinez.

7 **JD Edwards Master Fix Record 1101064011**

8 TomorrowNow reviewed and relied on all of the data specifically identified in the
9 narrative above. In addition, TomorrowNow reviewed and relied on the following:

- 10 • The SAS Database: *See* TN-OR04446719, TN (Hard Drive). 75
11 • TomorrowNow server JD-WSVR01_G: TN-OR03712548, TN (Hard Drive).50
12 • Deposition testimony in this case to date
13 • TN-OR06680165; TN-OR06701930-31; TN-OR00076507-09; TN-OR05681903-04;
14 TN-OR00073773; and TN-OR02051936

15 Further, TomorrowNow through its counsel spoke with Mark Kreutz, Jim Egger, Dale
16 Wade, Elouse Plain and Paul Ijs. TomorrowNow, through its counsel, attempted to speak with
17 Lili Widjaja, but has been unable to reach her.

18 **JD Edwards Master Fix Record 1010067551**

19 TomorrowNow reviewed and relied on all of the data specifically identified in the
20 narrative above. In addition, TomorrowNow reviewed and relied on the following:

- 21 • The SAS Database: *See* TN-OR04446719, TN (Hard Drive). 75
22 • TomorrowNow server Mail03: *See* TN-OR04497668, TN (Hard Drive).78
23 • TomorrowNow server Web01: *See* TN-OR04497673 TN (Disc).186
24 • TomorrowNow server JD-WSVR01_G: *See* TN-OR03712548, TN (Hard Drive).50
25 • Deposition testimony in this case to date
26 • TN-OR00403764; TN-OR00403765; TN-OR00403769; TN-OR02085735; TN-
27 OR02085736; TN-OR02196089; TN-OR02196090; TN-OR01480094; TN-
28 OR02085159; TN-OR00086051; TN-OR0007389, and TN-OR02196094.

1 Further, TomorrowNow through its counsel spoke with Mark Kreutz, Jim Egger, Dale
2 Wade, Elouise Plain, and Paul Auger. TomorrowNow through its counsel attempted to contact,
3 but was unable to reach, Lili Widjaja.

4 **JD Edwards Master Fix Record 1012062843**

5 TomorrowNow reviewed and relied on all of the data specifically identified in the
6 narrative above. In addition, TomorrowNow reviewed and relied on the following:

- 7 • The SAS Database: *See* TN-OR04446719, TN (Hard Drive). 75
- 8 • TomorrowNow server Mail03: *See* TN-OR04497668, TN (Hard Drive).78
- 9 • TomorrowNow server Web01: *See* TN-OR04497673, TN (Disc).186
- 10 • TomorrowNow server JD-WSVR01_G: *See* TN-OR03712548, TN (Hard Drive).50
- 11 • Deposition testimony in this case to date
- 12 • TN-OR00073851; TN-OR01477623; TN-OR02084917; TN-OR05939643; TN-
13 OR01477638; TN-OR02085148; TN-OR05931994-95; TN-OR00072992; TN-
14 OR00072993-95; TN-OR01486233; TN-OR01486234-36; TN-OR01496337-39; TN-
15 OR00076044-48; TN-OR01381699-703; and TN-OR01477819-23.

16 Further, TomorrowNow through its counsel spoke with Mark Kreutz, Jim Egger, Patti
17 Von Feldt, Dale Wade, Elouise Plain, and Paul Auger.

18 **JD Edwards Master Fix Record 1122054572**

19 TomorrowNow reviewed and relied on all of the data specifically identified in the
20 narrative above. In addition, TomorrowNow reviewed and relied on the following:

- 21 • The SAS Database: *See* TN-OR04446719, TN (Hard Drive). 75
- 22 • TomorrowNow server Mail03: *See* TN-OR04497668, TN (Hard Drive).78
- 23 • TomorrowNow server Web01: *See* TN-OR04497673, TN (Disc).186
- 24 • TomorrowNow server: *See* JD-WSVR01_G: TN-OR03712548, TN (Hard Drive).50
- 25 • Deposition testimony in this case to date
- 26 • TN-OR00073758; TN-OR02084240; TN-OR02084241-52; TN-OR00073774; TN-
27 OR05681711-45; TN-OR00073009-12; TN-OR00062191-92; TN-OR05663931-34;

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TN-OR05663935-42; TN-OR02084241-44; TN-OR05669763-97; TN-OR05681903-04; TN-OR00073773; TN-OR05681903-04; and TN-OR076507-09.

Further, TomorrowNow through its counsel spoke with Mark Kreutz, Jim Egger, Keith Larsen, Dale Wade, and Elouise Plain.

JD Edwards Master Fix Record 1015079561

TomorrowNow reviewed and relied on all of the data specifically identified in the narrative above. In addition, TomorrowNow reviewed and relied on the following:

- The SAS Database: *See* TN-OR04446719, TN (Hard Drive). 75
- TomorrowNow server Mail03: *See* TN-OR04497668, TN (Hard Drive).78
- TomorrowNow server Web01: *See* TN-OR04497673, TN (Disc).186
- TomorrowNow server JD-WSVR01_G: TN-OR03712548, TN (Hard Drive).50
- Deposition testimony in this case to date

Further, TomorrowNow through its counsel spoke with Mark Kreutz, Tom Leier, Jim Egger, Dale Wade, Elouise Plain, and Paul Auger. TomorrowNow through its counsel attempted to speak with Lili Widjaja, but was unable to reach her after repeated attempts to do so.

Dated: December 4, 2009

JONES DAY

By: /s/ Jason McDonell
Jason McDonell

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

1 **PROOF OF SERVICE**

2 I, Laurie Paige Burns, declare:

3 I am a citizen of the United States and employed in San Francisco, California. I am over
4 the age of eighteen years and not a party to the within-entitled action. My business address is 555
5 California St, 26th Fl., San Francisco, CA 94104. On December 4, 2009, I served a copy of the
6 attached document(s):

7 **DEFENDANT TOMORROWNOW, INC.'S THIRD AMENDED AND
8 SUPPLEMENTAL RESPONSE TO PLAINTIFF ORACLE USA, INC.'S
9 SECOND SET OF INTERROGATORIES**

- 9 by transmitting via facsimile the document(s) listed above to the fax number(s) set
10 forth below on this date before 5:00 p.m.
- 11 by placing the document(s) listed above in a sealed envelope with postage thereon
12 fully prepaid, in the United States mail at San Francisco, California addressed as
13 set forth below.
- 14 by personally delivering the document(s) listed above to the person(s) at the
15 address(es) set forth below.
- 16 by transmitting via e-mail or electronic transmission the document(s) listed above
17 to the person(s) at the e-mail address(es) set forth below.

18 Donn Pickett
19 Geoffrey M. Howard
20 Holly House
21 Zachary J. Alinder
22 Bree Hahn
23 BINGHAM McCUTCHEN LLP
24 Three Embarcadero Center
25 San Francisco, CA 94111-4067
26 *donn.pickett@bingham.com*
27 *geoff.howard@bingham.com*
28 *holly.house@bingham.com*
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bree.hahn@bingham.com

Executed on December 4, 2009, at Palo Alto, California.

By: 
Laurie Paige Burns