

EXHIBIT 10

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO DIVISION

BEFORE: CHARLES A. LEGGE, JUDGE (Ret.)

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ORACLE CORPORATION, a Delaware)
corporation; ORACLE, USA, INC.,)
a Colorado corporation, and)
ORACLE INTERNATIONAL)
CORPORATION, a California) No. 07-CV-01658-MJJ
corporation,)
)
Plaintiffs,)
)
vs.)
)

SAP AG, a German corporation,
SAP AMERICA, INC., a Delaware
corporation, TOMORROWNOW, INC.,
a Texas corporation, and DOES
1-50, inclusive,

Defendants.

HEARING IN RE DISCOVERY ISSUES

Wednesday, February 13, 2008

At:

JAMS
2 Embarcadero Center, 14th Floor
San Francisco, California

Reported by:
GEORGE SCHUMER, CSR 3326

(406308)

TEXT REMOVED - NOT RELEVANT TO MOTION

24 Moreover, I think it is very important that you
25 understand that one of the key documents that we're going

1 to be producing -- we call it internally, or Oracle calls
2 it internally, an "at-risk report." I won't give it to
3 you, because otherwise you will have to keep it; right?

4 JUDGE LEGGE: Yes, if you give it to me I have to
5 keep it.

6 MS. HOUSE: This is a hard copy; it is actually a
7 vibrant electronic document, as you have seen theirs.
8 This is a document that is sort of a historical
9 compilation of all of the losses to third parties -- not
10 just TomorrowNow, but indeed, Rimini Street and others
11 that talks about -- has detailed notes about every single
12 one of those customers that was lost, and about what was
13 the perception about why they were lost, or what were the
14 concessions in terms of finances, to try to keep the
15 customer -- or effectively kept the customer.

16 JUDGE LEGGE: What is it called?

17 MS. HOUSE: Third-party risk analysis. And this
18 is a document that is not specific to the 69 customers;
19 has enormous detail about all customers lost to all third
20 parties. This is a gift.

21 JUDGE LEGGE: You are producing it?

22 MS. HOUSE: We are producing it. This is
23 something that is an internal Oracle document, that is --
24 goes a very long way in compiling, and in one unit --
25 unlike what we have to work with, with their stuff -- what

1 were the various customers that were actually in play;
2 what happened to them; what kind of financial losses on a
3 one-year period were associated with those customers.

4 So again, the notion that we need to go any
5 farther afield than this incredibly detailed document --
6 that I won't show you, so you don't have to keep it -- is
7 highly premature.

8 Again, if there's a problem with the documents --
9 you have heard them say they'll come back, and you will
10 hear about it. But there is absolutely nothing to order
11 today, beyond what we have already agreed to produce.

TEXT REMOVED - NOT RELEVANT TO MOTION