

EXHIBIT Y

C-07-1658 PJH (EDL)

ORACLE CORP. V. SAP AG, et al.

TRANSCRIPT OF AUDIO RECORDING OF CONFERENCE

DATED NOVEMBER 17, 2009, HELD BEFORE

MAGISTRATE JUDGE ELIZABETH D. LAPORTE

**CERTIFIED
COPY**

Transcribed by: Freddie Reppond

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MR. COWAN: Absolutely, Your Honor. And that guidance is very helpful.

But let me focus first on the depositions. The twenty-one individual depositions that they're referencing, of those twenty-one, twelve of them were not placed on their initial disclosures until October 9th. And when we saw these twelve folks show up, we started looking at how those twelve of the twenty-one

1 related to these other nine and saw what we believed to
2 be a pattern related to these witnesses forming some
3 part of their expert opinions, feeding some facts into
4 their experts.

5 THE COURT: Thank you for mentioning that.
6 Oh, by the way, at first blush, at least, I don't accept
7 that work product objection, because the expert report
8 is going to have to say -- and the experts will have to
9 say in depositions -- what they relied on and whom. So
10 to the extent that they're relying on any of these
11 witnesses, that's not a secret.

12 MR. HOWARD: Well, the issue wasn't -- it
13 wasn't as much that, Your Honor, because the reports
14 were served yesterday and they do now say, you know, in
15 general who they relied on. The issue was that, you
16 know, up until yesterday, we were working with the
17 experts and things would come up and we would be calling
18 people to answer questions. We just weren't in a
19 position.

20 THE COURT: Well, I mean that's a valid reason
21 for the lateness. There still doesn't -- that still
22 doesn't change the fact that there are only 24 hours in
23 a day.

24 MR. HOWARD: But if I could --

25 MR. COWAN: Let me -- if I could continue, at

1 least, on that point, we approached Oracle and said,
2 Look, we just got these disclosures. There's a number
3 of new names on here on the disclosures that relate to
4 these topics. We've now compared those topics to other
5 folks who have been in the disclosures for a while. It
6 appears these folks are the folks that are feeding into
7 your experts. Please tell us if that's the case. If
8 so, then we'll work with you to -- and tell us what --
9 there's more detail about their subject analysis -- and
10 we'll work with you to limit the number.

11 We got very minute information back, not
12 enough to make a meaningful decision. We said, Look, if
13 we're not going to have a continued meet-and-confer on
14 it, we're going to have to take all of them. But even
15 with that, we agreed to limit it to two hours and we're
16 agreeing to limit to that scope: What information did
17 they provide to the experts?

18 I agree with Your Honor that there are only 24
19 hours in a day, although here lately some of those days
20 have seemed much longer.
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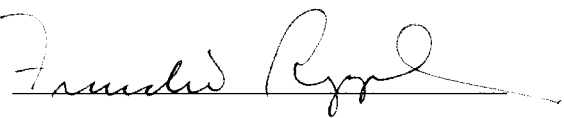
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STATE OF CALIFORNIA)
COUNTY OF SAN FRANCISCO)

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I, the undersigned, a Shorthand Reporter and licensed Notary Public, do hereby certify that the above referenced recording was transcribed by me and that this transcript is a true record of that recording.

IN WITNESS WHEREOF I have hereunto set my hand on this 20th of November 2009 .



FREDDIE REPPOND