

EXHIBIT JJ

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13
14 **UNITED STATES DISTRICT COURT**
15 **DISTRICT OF NEVADA**

16 Oracle USA, Inc., et al,
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18 Plaintiffs,
19 v.
20 SAP AG, et al,
21 Defendants.
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23
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Case No. 2:09-cv-01591-KJD-GWF

Pending In: Case No. 07-CV-01658 PJH
(EDL), United States District Court,
Northern District of California, Oakland
Division

**DEFENDANTS' RESPONSE TO
PLAINTIFFS' MOTION TO COMPEL
NON-PARTY SETH RAVIN TO
ANSWER DEPOSITION QUESTIONS,
AND TO COMPEL NON-PARTY
RIMINI STREET TO PRODUCE
DOCUMENTS IN RESPONSE TO
ORACLE'S SUBPOENA**

25 **I. INTRODUCTION AND PURPOSE OF DEFENDANTS' RESPONSE**

26 SAP AG, SAP America, Inc. and TomorrowNow, Inc. (collectively, "Defendants") file
27 this response to Plaintiffs' Motion to Compel Non-Party Seth Ravin to Answer Deposition
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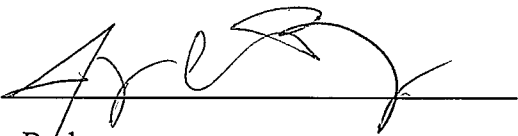
1 the underlying case any alleged lost profits attributable to Rimini's service of Plaintiffs'
2 customers. Defendants should not be required in the underlying litigation to defend Rimini's
3 business model. Otherwise, Plaintiffs would effectively be permitted to try a "case within a case"
4 against Ravin and Rimini *in abstentia*, impermissibly forcing Defendants to assume the defense
5 of those non-parties in the underlying action.

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7 **III. DEFENDANTS' LIKELY FURTHER DISCOVERY FROM RAVIN AND RIMINI**

8 **If this Court or Judge Laporte grants any portion of the relief requested in Plaintiffs'**
9 **motion to compel, then Defendants may likely seek further discovery from Ravin and Rimini,**
10 **depending, of course, on the nature and extent of any relief that may be granted.** If Plaintiffs are
11 permitted in the underlying action to effectively try all or any portion of their "case within a
12 case," then Defendants must be able to seek any additional discovery from Ravin and/or Rimini
13 necessary to defend against Plaintiffs' assertions. Defendants currently have no discovery
14 requests outstanding to either Ravin or Rimini, and they currently do not intend to seek any
15 additional discovery from either of them until there is a ruling on Plaintiffs' motion.
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17 Dated: September 14, 2009

Respectfully submitted,

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19 By: 

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