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

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

22 ORACLE USA, INC., et al.,
 23 Plaintiffs,
 24 v.
 25 SAP AG, et al.,
 26 Defendants.

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

**DECLARATION OF THARAN
 GREGORY LANIER ISO DEFENDANTS'
 OPPOSITION TO PLAINTIFFS' MOTION
 PURSUANT TO 17 U.S.C. § 410(c) THAT
 EVIDENTIARY PRESUMPTION APPLY
 TO SIX COPYRIGHT REGISTRATIONS**

Date: September 30, 2010
 Time: 2:30 p.m.
 Courtroom: 3, 3rd Floor
 Judge: Hon. Phyllis J. Hamilton

1 I, THARAN GREGORY LANIER, declare as follows:

2 I am a partner in the law firm of Jones Day, 1755 Embarcadero Road, Palo Alto,
3 California 94303, and counsel of record for Defendants SAP AG, SAP America, Inc. (together,
4 “SAP”), and TomorrowNow, Inc. (“TN”) (collectively, “Defendants”) in the above-captioned
5 matter. I am a member in good standing of the state bar of California and admitted to practice
6 before this Court. I make this declaration based on personal knowledge and, if called upon to do
7 so, could testify competently thereto.

8 1. Attached as **Exhibit 1** is a true and correct copy of the following excerpts from the
9 October 9, 2008 Todd Adler Deposition: 1, 6:15-7:17, 31:8-25, 32:8-33:12, 97:12-99:14, 101:16-
10 103:12, 108:23-114:13, 168:22-172:20, 175:5-10, 177:1-9, 186:1-187:25.

11 2. Attached as **Exhibit 2** is a true and correct copy of Defendants’ First Notice of
12 Deposition of Plaintiff Oracle International Corporation Pursuant to Federal Rule of Civil
13 Procedure 30(b)(6), marked as Defendants’ Deposition Exhibit 114 in this case.

14 3. Attached as **Exhibit 3** is a true and correct copy of a Certificate of Registration for
15 TX 6-541-029, “Initial release of JD Edwards World A7.3,” produced by Plaintiffs in this case at
16 ORCL00008889-90.

17 4. Attached as **Exhibit 4** is a true and correct copy of a Certificate of Registration for
18 TX 6-541-047, “Initial release of JD Edwards World A8.1,” produced by Plaintiffs in this case at
19 ORCL00009097-98.

20 5. Attached as **Exhibit 5** is a true and correct copy of a Certificate of Registration for
21 TX 6-541-033, “Initial release of JD Edwards EnterpriseOne Xe,” produced by Plaintiffs in this
22 case at ORCL00007776-77.

23 6. Attached as **Exhibit 6** is a true and correct copy of a Certificate of Registration for
24 TX 6-541-989, “Siebel 6.3 Initial Release and Documentation,” produced by Plaintiffs in this
25 case at ORCL00726659-61.

26 7. Attached as **Exhibit 7** is a true and correct copy of a Certificate of Registration for
27 TX 6-541-988, “Siebel 7.0.5 Initial Release and Documentation,” produced by Plaintiffs in this
28 case at ORCL00726662-64.

1 8. Attached as **Exhibit 8** is a true and correct copy of a Certificate of Registration for
2 TX 6-541-990, “Siebel 7.5.2 Initial Release and Documentation,” produced by Plaintiffs in this
3 case at ORCL00726665-67.

4 9. Attached as **Exhibit 9** is a true and correct copy of *AAA Flag & Banner Mfg., Co.*
5 *v. Flynn Signs and Graphics, Inc.*, No. CV09-02053 ODW (VKBX), 2010 WL 1752177 (C.D. Cal.
6 Apr. 28, 2010).

7 10. Attached as **Exhibit 10** is a true and correct copy of *Asset Mktg. Sys. Ins. Servs.,*
8 *LLC v. McLaughlin*, No. 06cv1176 JM(MCc), 2007 WL 2406894 (S.D. Cal. Aug. 20, 2007).

9 11. Attached as **Exhibit 11** is a true and correct copy of *Gallup, Inc. v. Talentpoint,*
10 *Inc.*, No. CIV.A. 00-5523, 2001 WL 1450592 (E.D. Pa. Nov. 13, 2001).

11 12. Attached as **Exhibit 12** is a true and correct copy of *Johnson v. Tuff N Rumble*
12 *Mgmt., Inc.*, No. Civ.A. 99-1374, 2000 WL 622612 (E.D. La. May 15, 2000).

13 13. Attached as **Exhibit 13** is a true and correct copy of *Shea v. Fantasy Inc.*, No. C
14 02-02644 RS, 2003 WL 881006 (N.D. Cal. Feb. 27, 2003).

15 14. Attached as **Exhibit 14** is a true and correct copy of *Tuff ‘N’ Rumble Mgmt., Inc. v.*
16 *Profile Records, Inc.*, No. 95 Civ. 0246 (SHS), 1997 WL 158364 (S.D.N.Y. Apr. 2, 1997).

17 15. Attached as **Exhibit 15** is a true and correct copy of H.R. Rep. No. 94-1476 (1976)
18 at 156-57.

19 16. Attached as **Exhibit 16** is a true and correct copy of 5 Patry on Copyright § 17:109
20 (2010) at 17-300.

21 17. Attached as **Exhibit 17** is a true and correct copy of U.S. Copyright Office
22 Circular 61.

23 I declare under penalty of perjury under the laws of the United States and the State of
24 California that the foregoing is true and correct. Executed this 9th day of September, 2010 in
25 Palo Alto, California.

26 /s/ Tharan Gregory Lanier
Tharan Gregory Lanier