

1 Robert A. Mittelstaedt (SBN 060359)
 Jason McDonell (SBN 115084)
 2 Elaine Wallace (SBN 197882)
 JONES DAY
 3 555 California Street, 26th Floor
 San Francisco, CA 94104
 4 Telephone: (415) 626-3939
 Facsimile: (415) 875-5700
 5 ramittelstaedt@jonesday.com
 jmcdonell@jonesday.com
 6 ewallace@jonesday.com

7 Tharan Gregory Lanier (SBN 138784)
 Jane L. Froyd (SBN 220776)
 8 JONES DAY
 1755 Embarcadero Road
 9 Palo Alto, CA 94303
 Telephone: (650) 739-3939
 10 Facsimile: (650) 739-3900
 tglanier@jonesday.com
 11 jfroyd@jonesday.com

12 Scott W. Cowan (Admitted *Pro Hac Vice*)
 Joshua L. Fuchs (Admitted *Pro Hac Vice*)
 13 JONES DAY
 717 Texas, Suite 3300
 14 Houston, TX 77002
 Telephone: (832) 239-3939
 15 Facsimile: (832) 239-3600
 swcowan@jonesday.com
 16 jl fuchs@jonesday.com

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 IN SUPPORT OF
 DEFENDANTS' OPPOSITION TO
 PLAINTIFFS' MOTION NO. 4: TO
 EXCLUDE EXPERT TESTIMONY OF
 DONALD REIFER**

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

DECLARATION OF THARAN GREGORY LANIER ISO DEFS.'
 OPP. TO PLS.' MOT. NO. 4 TO EXCLUDE DONALD REIFER
 Case No. 07-CV-1658 PJH (EDL)

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 Defendants’ Initial Expert
9 Disclosures, dated January 22, 2010.

10 2. Attached as **Exhibit 2** is a true and correct copy of Plaintiffs’ Supplemental Expert
11 Disclosures, dated October 16, 2009.

12 3. Attached as **Exhibit 3** is a true and correct copy of the following excerpts from the
13 Expert Report of Paul C. Pinto, dated November 16, 2009, which was produced by Plaintiffs in
14 this case: pp. 7-10, 15-17, 24, 34, 39-43.

15 4. Attached as **Exhibit 4** is a true and correct copy of the following excerpts from the
16 Expert Report of Donald Reifer, dated March 26, 2010, which was produced by Defendants in
17 this case: pp. 6-8, 14, 17-20, 22, 32, 33, 96.

18 5. Attached as **Exhibit 5** is a true and correct copy of a document titled “Parse Rules
19 for C & H Files,” which was produced by Plaintiffs in this case at ORCLX-PIN-000066.

20 6. Attached as **Exhibit 6** is a true and correct copy of a document titled “Parse Rules
21 for JAVA Files,” which was produced by Plaintiffs in this case at ORCLX-PIN-000076.

22 7. Attached as **Exhibit 7** is a true and correct copy of the following excerpts from the
23 May 19, 2010 Paul C. Pinto Deposition: 40:20-42:4, 46:11-17, 198:21-199:10.

24 8. Attached as **Exhibit 8** is a true and correct copy of a February 24, 2010 e-mail
25 from Amy Donnelly to Jeffrey Butler.

26 9. Attached as **Exhibit 9** is a true and correct copy of the following excerpts from the
27 June 18, 2010 Donald Reifer Deposition: 127:9-128:12, 130:18-24, 138:11-139:1, 150:1-24,
28 158:2-8, 321:17-20, 321:23-322:5.

