


EXHIBIT I



Subject: Re: Oracle v. SAP: request for materials relied upon by Mr. Gray 
From: Joshua L Fuchs
 Extension: 3-3719,
 or (832) 239-3719
 06/15/2010 06:41 PM
To: Polito, John A.
Cc: "Howard, Geoff", "Lewis, James", "Scott Cowan"
Bcc: Sean McCarthy

History: This message has been forwarded.

John,

Mr. Gray referred to the document as a "soft document," an "electronic document," and a zip file. See Deposition of Stephen Gray, June 8, 2010, 224:2-225:20. During this line of questioning, you never asked what he meant by those terms. The fact of the matter is that he was referring to a folder containing a separate .pdf file for each exhibit. In fact, Mr. Gray says as much. See Deposition of Stephen Gray, June 8, 2010, 224:17-225:6 ("So this document plaintiffs deposition exhibits one through 1880 is a document within which there are like you say there's 1880 less whatever sequence numbers are not in there files, all of which are also documents. So I relied on that document plaintiffs exhibit deposition exhibits one through 1880. However, I don't know that I touched each individual file in there." (emphasis added)). Regardless, so that you can see exactly what Mr. Gray received with metadata, we are sending you an exact duplicate of the DVD that was sent to Mr. Gray on January 13, 2010, including all of its contents. The DVD is being sent by overnight mail.

Joshua L. Fuchs

 Jones Day
 717 Texas, Suite 3300
 Houston, Texas 77002
 Telephone: 832-239-3719
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"Polito, John A." <john.polito@bingham.com>



"Polito, John A."
 <john.polito@bingham.com>

06/11/2010 01:24 PM

To "Joshua L Fuchs" <jlfuchs@JonesDay.com>, "Scott Cowan"
 <swcowan@JonesDay.com>
 cc "Lewis, James" <james.lewis@bingham.com>, "Howard,
 Geoff" <geoff.howard@bingham.com>
 Subject Oracle v. SAP: request for materials relied upon by Mr. Gray

Josh and Scott,

During his June 8, 2010 deposition, Defendants' expert, Mr. Stephen Gray, stated that "Plaintiffs' Deposition Exhibits - 1-1880," referred to in Appendix 3 of his report, was a single electronic document upon which he relied. See Deposition of Stephen Gray, June 8, 2010, 224:2-225:6. This document has not been produced by Defendants.

Please immediately produce an electronic copy of the single electronic document referred to by Mr. Gray. Oracle specifically requests that the electronic copy be made in a manner that preserves last written date and other date information, so that Oracle can attempt to confirm when the document sent to Mr. Gray

was created.

Oracle continues to reserve all rights regarding Mr. Gray's failure to sufficiently disclose and produce all materials that he relied upon or considered.

Regards,
John Polito

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