EXHIBIT 17

1	BINGHAM MCCUTCHEN LLP DONN P. PICKETT (SBN 72257)							
2	GEOFFREY M. HOWARD (SBN 157468) HOLLY A. HOUSE (SBN 136045)							
3	ZACHARY J. ALINDER (SBN 209009) BREE HANN (SBN 215695)							
4	Three Embarcadero Center							
5	San Francisco, CA 94111-4067 Telephone: 415-393-2000 Facsimile: 415-393-2286							
6	donn.pickett@bingham.com							
7	geoff.howard@bingham.com holly.house@bingham.com							
8	zachary.alinder@bingham.com bree.hann@bingham.com							
9	DORIAN DALEY (SBN 129049)							
10	JENNIFER GLOSS (SBN 154227) 500 Oracle Parkway, M/S 5op7							
11	Redwood City, CA 94070 Telephone: 650-506-4846							
12	Facsimile: 650-506-7114 dorian.daley@oracle.com							
13	jennifer.gloss@oracle.com							
14	Attorneys for Plaintiffs Oracle USA, Inc., et al.							
15								
16	UNITED STATES DISTRICT COURT							
17	NORTHERN DISTRICT OF CALIFORNIA							
18	SAN FRANCISCO DIVISION							
19	ORACLE USA, INC., a Colorado Corporation, et al.,	CASE NO. 07-CV-01658 PJH (EDL)						
20 21	Plaintiffs, v.	DECLARATION OF GARY GATES, Director, Business Systems of Amsted Rail Company, INC, formerly known as						
22	SAP AG, a German corporation, et al.,	BRENCO, INC.						
23	Defendants.	,						
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	A/73021987.1	Case No. 07-CV-01658 PJH (EDL)						

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DECL	AKA.	HON	OF:	€iA	KΥ	CìΑ:	1.5

I, Gary Gates, declare as follows:

- 1. I am over the age of 18 and competent to testify to the facts stated in this declaration. All statements made in this declaration are based upon my personal knowledge and belief.
- 2. I am currently employed as Director, Business Systems, at Brenco, Inc. (now a part of and known as Amsted Rail Company, Inc.) (collectively referred to as "Brenco"). I have been employed by
- Brenco since April, 2007. My current job duties include managing all Business Systems and Applications within Amsted Rail.
- 3. Brenco is a manufacturer of bearings for railroad freight cars.
 - 4. Brenco has licensed and used Oracle proprietary J.D. Edwards applications in the past, and formerly received software support from Oracle (f.k.a. J.D. Edwards) for J.D. Edwards software applications.
- 5. Brenco also formerly received software support services from TomorrowNow, Inc. ("TomorrowNow"). TomorrowNow provided J.D. Edwards software support services for Brenco at a significantly lower price compared to the cost of software support from Oracle (f.k.a. J.D. Edwards).
- 6. Given Brenco's policies, business ethics and/or internal guidelines, Brenco would not do business with any company known to be misappropriating Oracle's intellectual property.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this declaration is executed at Petersburg, Virginia on July 21, 2009.

1: / July

Gary Gates