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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 IN SUPPORT OF
REPLY IN SUPPORT OF
DEFENDANTS' MOTION TO EXCLUDE
EXPERT TESTIMONY OF PROFESSOR
DOUGLAS G. LICHTMAN**

27 Date: September 30, 2010
Time: 2:30 p.m.
Courtroom: 3, 3rd Floor
28 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 *A&M Records, Inc. v. Napster,*
9 *Inc.*, Nos. C 99-05183, C000074 MHP, 2000 WL 1170106 (N.D. Cal. Aug. 10, 2000).

10 2. Attached as **Exhibit 2** is a true and correct copy of *Charter Nat’l Bank v. Charter*
11 *One Fin., Inc.*, No. 01 C 0905, 2001 U.S. Dist. LEXIS 13919 (N.D. Ill. Aug. 31, 2001).

12 3. Attached as **Exhibit 3** is a true and correct copy of *F.B.T. Prods. LLC v. Aftermath*
13 *Records*, No. CV 07-3314 PSG (MANx), 2009 U.S. Dist. LEXIS 5981 (C.D. Cal. Jan. 20, 2009).

14 4. Attached as **Exhibit 4** is a true and correct copy of *Gable v. Nat’l Broad. Co.*, No.
15 CV 08-4013 SVW (FFMx), 2010 U.S. Dist. LEXIS 77772 (C.D. Cal. Feb. 22, 2010).

16 5. Attached as **Exhibit 5** is a true and correct copy of *Mannick v. Kaiser Found.*
17 *Health Plan, Inc.*, No. C 03-5905 PJH, 2006 U.S. Dist. LEXIS 38430 (N.D. Cal. June 9, 2006).

18 6. Attached as **Exhibit 6** is a true and correct copy of *Securities and Exchange*
19 *Commission v. Leslie*, No. C 07-3444, 2010 U.S. Dist. LEXIS 76826 (N.D. Cal. July 29, 2010).

20 7. Attached as **Exhibit 7** is a true and correct copy of *Ticketmaster Corp. v.*
21 *Tickets.com, Inc.*, No. CV 99-07654 HLH (VBKx), 2003 WL 25781901 (C.D. Cal. Feb. 10,
22 2003).

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 16th day of September, 2010 in
25 Palo Alto, California.

26 /s/ Tharan Gregory Lanier
27 Tharan Gregory Lanier
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