

EXHIBIT E

From: Jeffrey M Butler [jmbutler@JonesDay.com]
Sent: Sunday, February 21, 2010 5:00 PM
To: Howard, Geoff
Cc: Donnelly, Amy; Hann, Bree; Russell, Chad; Pickett, Donn; House, Holly; Polito, John A.; Jindal, Nitin; Alinder, Zachary J.; Elaine Wallace; jfroyd@jonesday.com; Joshua L Fuchs; Jason McDonell; Greg Lanier; Laurens Wilkes; Scott Cowan
Subject: Paul Pinto: counting utilities

Dear Geoff:

In his report, Mr. Pinto states that he constructed various software utilities in order to count “the number of Logical Source Lines of Code for each different code base within each module” and that those utilities have been produced as ORCLXPIN-000066 to ORCLX-PIN-000085. In order to replicate Mr. Pinto’s analysis, defendants’ experts require more information than is provided in Mr. Pinto’s report and supporting materials. Specifically, with respect to those counting utilities, it is not possible to fully examine Mr. Pinto’s work and his results unless the experts are provided with the following information concerning the platform / environment in which he compiled and ran the utilities:

1. The exact machine environment (operating system) in which he ran his counters (e.g., was it a PC running “Windows XP SP2” or _____???)
2. The exact compiler by name and version that Mr. Pinto used to generate the executables (i.e., executable versions of his utilities).

We also ask that you please immediately produce to us (i) the actual executables that Mr. Pinto created for each of his various counters and (ii) his parser code and any objects that he generated / created with his parser.

Very truly yours,

Jeffrey M. Butler

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