

1 BINGHAM McCUTCHEM 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
 San Francisco, CA 94111-4067
 5 Telephone: (415) 393-2000
 Facsimile: (415) 393-2286
 6 donn.pickett@bingham.com
 geoff.howard@bingham.com
 7 holly.house@bingham.com
 zachary.alinder@bingham.com
 8 bree.hann@bingham.com

9 BOIES, SCHILLER & FLEXNER LLP
 DAVID BOIES (Admitted *Pro Hac Vice*)
 10 333 Main Street
 Armonk, NY 10504
 Telephone: (914) 749-8200
 11 Facsimile: (914) 749-8300
 dboies@bsfllp.com
 12 STEVEN C. HOLTZMAN (SBN 144177)
 FRED NORTON (SBN 224725)
 13 1999 Harrison St., Suite 900
 Oakland, CA 94612
 14 Telephone: (510) 874-1000
 Facsimile: (510) 874-1460
 15 sholtzman@bsfllp.com
 16 fnorton@bsfllp.com

DORIAN DALEY (SBN 129049)
 17 JENNIFER GLOSS (SBN 154227)
 500 Oracle Parkway, M/S 5op7
 18 Redwood City, CA 94070
 Telephone: (650) 506-4846
 19 Facsimile: (650) 506-7114
 dorian.daley@oracle.com
 20 jennifer.gloss@oracle.com

21 Attorneys for Plaintiffs Oracle USA, Inc., *et al.*

22 UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

23 ORACLE USA, INC., *et al.*,
 24 Plaintiffs,
 25 v.
 26 SAP AG, *et al.*,
 27 Defendants.

CASE NO. 07-CV-01658 PJH (EDL)
**DECLARATION OF HOLLY HOUSE ISO REPLY
 REGARDING ORACLE'S MOTION NO. 1 TO EXCLUDE
 CLARKE, OBJECTIONS TO DECLS. OF CLARKE AND
 SOMMER, AND OPPOSITION TO DEFENDANTS'
 OBJECTION TO LEVY DECL.**

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

Case No. 07-CV-01658 PJH (EDL)

HOUSE DECL. ISO REPLY RE: ORACLE'S MOTION NO. 1 TO EXCLUDE CLARKE, OBJECTIONS TO DECLS. OF
 CLARKE AND SOMMER, AND OPPOSITION TO OBJECTION TO LEVY DECL.

Exhibit Index

<i>CLARKE REPLY</i>	
A	Deposition Transcript Excerpt and Errata of SAP Damages Expert, Stephen K. Clarke
B	Deposition Transcript Excerpt of Oracle Damages Expert, Paul K. Meyer
C	Deposition Transcript Excerpt of SAP Expert, David Garmus
D	Deposition Transcript Excerpt of Oracle Rule 30(b)(6) Witness, Richard Allison
E	Defendants' Amended Third Notice of Deposition of Plaintiff Oracle USA, Inc. Pursuant to Fed. R. Civ. P. 30(b)(6)
<i>CLARKE OBJECTION</i>	
A	Deposition Transcript Excerpt and Errata of SAP Damages Expert, Stephen K. Clarke
F	September 1, 2010 Email Chain Between Jason McDonell and Zachary Alinder
G	Attachment to the August 31, 2010 Email from Jason McDonell to Zachary Alinder
<i>OPPOSITION TO LEVY OBJECTION</i>	
H	Deposition Transcript Excerpt of Oracle Expert, Dr. Daniel Levy
<i>SOMMER OBJECTION</i>	
I	Errata to Deposition Transcript of SAP Expert, Brian Sommer

1 I, Holly A. House, declare as follows:

2 1. I am an attorney licensed to practice law in the State of California and am
3 a partner at Bingham McCutchen LLP, counsel of record for plaintiffs Oracle USA, Inc., Oracle
4 International Corporation, and Siebel Systems, Inc. (collectively, "Oracle"). Except as expressly
5 stated, I have personal knowledge of the facts stated within this Declaration and could testify
6 competently to them if required. I make this Declaration in support of (1) Oracle's Reply in
7 Support of Oracle's Motion No. 1: To Exclude Testimony of Defendants' Expert Stephen
8 Clarke ("Clarke Reply"); (2) Oracle's Objections To the Declaration of Stephen K. Clarke in
9 Support of Defendants' Opposition to Oracle's Motion No. 1: To Exclude Testimony of
10 Defendants' Expert Stephen K. Clarke ("Clarke Objection"); (3) Oracle's Opposition to
11 Defendants' Objections to the Declaration of Dr. Daniel Levy in Support of Oracle's Motion To
12 Exclude Expert Testimony of Stephen K. Clarke ("Opposition to Levy Objection"); and
13 (4) Oracle's Objections to the Declaration of Brian Sommer in Support of Defendants'
14 Opposition to Oracle's Motion No. 2: To Exclude Testimony of Defendants' Expert Brian
15 Sommer ("Sommer Objection").

16 2. Unless otherwise noted below, all highlighting and/or circling in these
17 Exhibits have been added to further assist in identifying the information relevant to Oracle's
18 filings.

19 **I. MATERIAL RELEVANT TO ORACLE'S REPLY IN SUPPORT OF MO. NO. 1**
20 **TO EXCLUDE TESTIMONY OF STEPHEN K. CLARKE**

21 3. Attached as **Exhibit A** is a true and correct copy of portions of the
22 transcript of the June 8-10, 2010 deposition SAP damages expert, of Stephen K. Clarke, along
23 with Clarke's errata to that transcript as provided to Oracle on July 19, 2010.

24 4. Attached as **Exhibit B** is a true and correct copy of portions of the
25 transcript of the May 12-14, 2010 deposition of Oracle damages expert, Paul K. Meyer.

26 5. Attached as **Exhibit C** is a true and correct copy of portions of the
27 transcript of the June 4, 2010 deposition of SAP expert, David Garmus.

28 6. Attached as **Exhibit D** is a true and correct copy of portions of the

1 transcript of the November 12, 2009 Rule 30(b)(6) deposition of Oracle witness, Richard
2 Allison.

3 7. Attached as **Exhibit E** is a true and correct copy of an excerpt of
4 Defendants' Deposition Exhibit 808, a document entitled "Defendants' Amended Third Notice
5 of Deposition of Plaintiff Oracle USA, Inc. Pursuant to Fed. R. Civ. P. 30(b)(6)." Subject to
6 Oracle's objections, it is this Notice to which Mr. Allison was provided as Oracle's witness.

7 **II. MATERIAL RELEVANT TO ORACLE'S OBJECTION TO AND MOTION TO**
8 **STRIKE THE CLARKE DECLARATION IN SUPPORT OF SAP'S OPPOSITION**
9 **TO ORACLE'S MO. NO 1 TO EXCLUDE TESTIMONY OF STEPHEN K.**
10 **CLARKE**

11 8. Attached as **Exhibit A** is a true and correct copy of portions of the
12 transcript of the June 6-8, 2010 deposition of Stephen K. Clarke, along with Clarke's errata to
13 that transcript as provided to Oracle on July 19, 2010.

14 9. Attached as **Exhibit F** is a true and correct copy of an email chain, ending
15 September 1, 2010, between Jason McDonell, counsel for Defendants, and Zachary Alinder,
16 counsel for Oracle. I am copied on and received the entire email chain.

17 10. Attached as **Exhibit G** is a true and correct copy of SAP counsel's
18 attachment to the August 31, 2010 email from Mr. McDonell to Mr. Alinder, the first email in
19 the chain attached as **Exhibit F**.

20 **III. MATERIAL RELEVANT TO ORACLE'S RESPONSE TO SAP'S OBJECTION**
21 **TO DECLARATION OF DR. DANIEL LEVY IN SUPPORT OF ORACLE'S MO.**
22 **NO. 1 TO EXCLUDE TESTIMONY OF CLARKE**

23 11. Attached as **Exhibit H** is a true and correct copy of a portion of the
24 transcript of the April 30, 2010 deposition of Dr. Daniel Levy.

25 **IV. MATERIAL RELEVANT TO ORACLE'S OBJECTION TO AND MOTION TO**
26 **STRIKE THE SOMMER DECLARATION IN SUPPORT OF SAP'S**
27 **OPPOSITION TO ORACLE'S MO. NO 2 TO EXCLUDE TESTIMONY OF**
28 **BRIAN S. SOMMER**

12. Attached as **Exhibit I** is a true and correct copy of SAP's expert Brian
Sommer's errata to his June 25, 2010 deposition transcript, which was provided to Oracle on

1 July 30, 2010.

2 I declare under penalty of perjury under the laws of the United States that the
3 foregoing facts are true and correct, and that this Declaration was executed on September 16,
4 2010, in San Francisco, CA.

5 /s/ Holly A. House
6 Holly A. House
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