

# EXHIBIT 3

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From: Greg Lanier [tglanier@JonesDay.com]  
Sent: Thursday, September 16, 2010 7:00 PM  
To: Steven Holtzman  
Cc: David Boies; Pickett, Donn; Howard, Geoff; House, Holly;  
'jmcdonell@jonesday.com'; Scott Cowan  
Subject: \*Confidential: RE: RE: Oracle v. SAP Confidential

Steve, we've now considered Plaintiffs' request to delay the trial start date and have discussed it with our clients. Although a one week trial continuance in most instances would be considered immaterial, unfortunately, in this instance, Defendants do not agree to the request. The trial start date has been set for November 1 for more than a year, and we, our clients, potential witnesses, trial support teams, etc., have made a variety of plans based on that date. Additionally, SAP intends to commit executive level resources to the trial who have significant business responsibilities. Given that those executives cannot run back to their offices each day after trial (like presumably most of Plaintiffs key executives will be able to do), the start and end dates for trial are critically important to them and to the running of SAP's day to day business. Moreover, SAP's September 7 agreement to the 36 hours per side time limit for trial testimony and argument was motivated not only by having a shorter trial, but also one that ended earlier as against the very busy end of the calendar year. Had Plaintiffs request to postpone the start of trial been made when the parties were together on September 7 (and we can't understand why it was not, as we assume trial calendars have been known for a while), it would have affected SAP's position on the length of trial, which was obviously a material point of the parties' stipulation.

We appreciate that Mr. Boies has a busy trial calendar and do not intend to be discourteous, but unfortunately at this late date, Defendants cannot agree to your request. Please let us know if there is any additional information you would like us to consider.

Greg

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