

# EXHIBIT 4

From: Steven Holtzman <sholtzman@BSFLLP.com>  
To: Greg Lanier <tglanier@JonesDay.com>  
Cc: David Boies <DBoies@BSFLLP.com>, "Pickett, Donn" <donn.pickett@bingham.com>, "Howard, Geoff" <geoff.howard@bingham.com>, "House, Holly" <holly.house@bingham.com>, "'jmcdonell@jonesday.com'" <jmcdonell@jonesday.com>, Scott Cowan <swcowan@JonesDay.com>  
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Greg,

We are disappointed by your response, particularly inasmuch as you acknowledge that the request we are making is for what is ordinarily an "immaterial" deferral of the start date. That really is all we are going to ask the Court to grant.

I do have one comment on your further qualification that:

"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."

My comment is this: We did. We specifically raised it with Judge Spero, and our recollection is that some of you were in the room when we did. And as we were making our final revisions to the stipulation while Judge Spero was meeting with you, we specifically drafted an edit that would provide for a possible later start date. When Judge Spero reviewed our draft before bringing it to you, he specifically asked us to take it out because he didn't want to step on Judge Hamilton's toes and because he said SAP was on notice of our desire based on the preceding conversation. At his request, we removed it from the draft and decided to return to the issue separately, which we did on the 13th. Particularly in this light, I would again hope you would reconsider, but in the absence of that, we are preparing to request the one-week deferral from Judge Hamilton.

Steve