

EXHIBIT 5

From: Steven Holtzman
Sent: Saturday, September 18, 2010 12:54 PM
To: Greg Lanier
Cc: David Boies; Pickett, Donn; Howard, Geoff; House, Holly; 'jmcdonell@jonesday.com';
Scott Cowan
Subject: RE: *Confidential: RE: RE: RE: Oracle v. SAP - Confidential

Greg,

While you continue to re-check with your client, I want to make sure I was sufficiently clear in writing yesterday that we had understood you were on notice of our desire to move the trial start date, and that we had removed the language from the draft stipulation before signing.

Paragraph 8 of the draft we had been working from up until the negotiations on September 7 specifically stated that "Trial remains on the currently scheduled start date but shortened. . . ." After conferring with Judge Spero, we removed that language in what we gave to you to review and sign. Paragraph 8 of the final stipulation accordingly reads simply "The length of trial is shortened . . ."

In addition to the discussion we believe had occurred while some of you were in the room, this change made clear that we were not okay with November 1 as the start date. I had thought that was clear from my previous message, but it has been suggested to me that with everything going on you might not have recalled that or focused on it clearly given my previous more general reference.

Steve