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 20 Oracle USA, Inc., *et al.*

21 UNITED STATES DISTRICT COURT
 22 NORTHERN DISTRICT OF CALIFORNIA
 23 OAKLAND DIVISION

24 ORACLE USA, INC., *et al.*,

25 Plaintiffs,

26 v.

27 SAP AG, *et al.*,

28 Defendants.

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

**ORACLE'S UPDATED JURY
 VERDICT FORM**

Date: September 30, 2010
 Time: 9:30 a.m.
 Place: 3rd Floor, Courtroom 3
 Judge: Hon. Phyllis J. Hamilton

EXHIBIT A

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

ORACLE USA, INC., *et al.*,

Plaintiffs,

v.

SAP AG, *et al.*,

Defendants.

CASE NO. 07-CV-01658 PJH (EDL)

JURY VERDICT FORM

Ladies and gentlemen of the jury, it is your duty to answer the questions presented in this verdict form.

Copyright Infringement

1. TomorrowNow agrees that it infringed all of the copyrights of Oracle International Corporation (“Oracle International”) listed in the eight tables below:

Title of Work	Date of Registration	Registration Number
PeopleSoft 8 Customer Relationship Management	September 27, 2001	TX-5-456-777
PeopleSoft 8.8 Customer Relationship Management	June 11, 2004	TX 6-015-317
PeopleSoft 8.8 Enterprise Performance Management	June 11, 2004	TX-5-993-616
PeopleSoft Financials, Distribution & Manufacturing 7.5	December 15, 1998	TX 4-792-574
PeopleSoft 8 Financials and Supply Chain Management: Service Pack 2	September 27, 2001	TX-5-456-780
PeopleSoft 8.4 Financials and Supply Chain Management	August 5, 2002	TX-5-586-247
PeopleSoft HRMS 7.0	December 15 1998	TX 4-792-577
PeopleSoft HRMS 7.5	December 15, 1998	TX 4-792-575
PeopleSoft 8 HRMS SP1	March 26, 2001	TX 5-501-312
PeopleSoft 8.3 HRMS	February 1, 2002	TX 5-469-032
PeopleSoft 8.8 HRMS	June 11, 2004	TX 6-093-947
PeopleSoft 8 Student Administration Solutions	November 30, 2001	TX 5-431-289
PeopleTools 7.5	November 20, 1998	TX 4-792-578
PeopleTools 8.10	September 5, 2000	TX 5-266-221
PeopleTools 8.4	August 5, 2002	TX 5-586-248

Title of Work	Date of Registration	Registration Number
PeopleSoft 8.1 Customer Relationship Management	March 20, 2002	TX 5-493-450
PeopleSoft 8 EPM SP3	March 30, 2001	TX 5-345-698
PeopleSoft 8.3 Enterprise Performance Management	March 11, 2002	TX 5-485-839
PeopleSoft 7.0 financials, distribution & manufacturing 7.0	December 15, 1998	TX 4-792-576
PeopleSoft Financials and Supply Chain Management (FIN/SCM) 8.0	November 20, 2000	TX 5-291-439
PeopleSoft 8 FIN/SCM SP1	March 26, 2001	TX 5-501-313
PeopleSoft HRMS 8.0	November 20, 2000	TX 5-291-440
PeopleTools 8.0	September 5, 2000	TX 5-266-222
PeopleSoft Pension Administration 7	June 21, 1999	TX 3-772-290
PeopleSoft Payroll 7	June 22, 1999	TX 4-501-140
PeopleSoft Payroll Interface 7	June 22, 1999	TX 4-501-138
PeopleSoft Time and Labor 7.0	June 28, 1999	TX 4-994-866
PeopleSoft Benefits Administration 7.0	June 15, 1999	TX 4-258-824
PeopleSoft Human Resources 7	June 28, 1999	TX 4-994-865
PeopleSoft Payroll Interface 7 Higher Education	June 28, 1999	TX 5-013-124
PeopleSoft Time and Labor 7	June 28, 1999	TX 5-013-128
PeopleSoft Benefits Administration 7.50	June 14, 1999	TX 5-072-090
PeopleSoft Payroll Interface 7.50	June 21, 1999	TX 3-772-292
PeopleSoft Pension Administration 7.50	June 21, 1999	TX 3-772-291
PeopleSoft Human Resources 7.50	June 28, 1999	TX 5-013-123
PeopleSoft Payroll 7.50	June 28, 1999	TX 5-013-125
PeopleSoft Time and Labor 7.50	June 28, 1999	TX 4-994-867

Table A-1: PeopleSoft Application Registrations

Title of Work	Date of Registration	Registration Number
Database of Documentary Customer Support Materials for PeopleSoft Software	July 1, 2009	TXu1-607-454
PeopleTools Third Party Daylight Saving Time Required Modifications	April 26, 2007	TX 6-541-019
PeopleTools Third Party Daylight Saving Time Required Modifications (Revised)	April 26, 2007	TX 6-541-018
PeopleSoft 8.01 & 8.31 Payroll Tax Update 05-F Year-End Processing: Canada	May 2, 2008	TX 6-838-549
PeopleSoft Payroll 1200457000 - User Documentation	May 2, 2008	TX 6-838-537
PeopleSoft Application Update Installation Instructions (UPD595817)	May 2, 2008	TX 6-838-544

Table A-2: Oracle Updates and Support Materials Registrations for Oracle's PeopleSoft-branded Products

Title of Work	Date of Registration	Registration Number
Initial release of JD Edwards EnterpriseOne Xe	April 26, 2007	TX 6-541-033
Initial release of JD Edwards EnterpriseOne 8.0	April 26, 2007	TX 6-541-050
Initial release of JD Edwards EnterpriseOne 8.10	April 26, 2007	TX 6-541-038
Initial release of JD Edwards EnterpriseOne 8.11	April 26, 2007	TX 6-541-028
Initial release of JD Edwards EnterpriseOne 8.12	April 26, 2007	TX 6-541-041

Title of Work	Date of Registration	Registration Number
Initial release of JD Edwards World A7.3	April 26, 2007	TX 6-541-029
Initial release of JD Edwards World A8.1	April 26, 2007	TX 6-541-047
Current development environment for JD Edwards EnterpriseOne Xe	April 26, 2007	TXu1-345-109
Current development environment for JD Edwards EnterpriseOne 8.0	April 26, 2007	TXu1-345-111
Current development environment for JD Edwards EnterpriseOne 8.9	April 26, 2007	TXu1-345-112
Current development environment for JD Edwards EnterpriseOne 8.10	April 26, 2007	TXu1-345-113
Current development environment for JD Edwards EnterpriseOne 8.11	April 26, 2007	TXu1-345-114
Current development environment for JD Edwards EnterpriseOne 8.11 SP1	April 26, 2007	TXu1-345-115
Current development environment for JD Edwards EnterpriseOne 8.12	April 26, 2007	TXu1-346-350
Current development environment for JD Edwards World A7.3	April 26, 2007	TXu1-345-110
Current development environment for JD Edwards World A8.1	May 1, 2007	TX 6-545-422
Initial release of JD Edwards EnterpriseOne 8.9	April 26, 2007	TX 6-541-049
Initial release of JD Edwards EnterpriseOne 8.11 SP1	April 26, 2007	TX 6-541-040
Initial release of JD Edwards World A9.1	April 26, 2007	TX 6-541-030
Accounts Payable program	March 7, 1995	TXu 619-320
Accounts Receivable program	March 7, 1995	TXu 619-312
Capacity Requirements Planning program	March 7, 1995	TXu 619-307
Configuration Management program	March 7, 1995	TXu 619-305
EDI Interface (6) program	March 7, 1995	TXu 619-304
Enterprise Facility Planning program	March 7, 1995	TXu 619-311
Equipment Management (5) program	March 7, 1995	TXu 619-309
Financial Modeling, Budgeting & Allocations program	March 7, 1995	TXu 619-321
Financial Reporting (FASTR) program	March 7, 1995	TXu 619-318
General Ledger & Basic Financial program	March 7, 1995	TXu 619-310
Inventory Management program	March 7, 1995	TXu 619-314
Master Production Scheduling program	March 7, 1995	TXu 619-306
Product Data Management program	March 7, 1995	TXu 619-317
Purchase Order Processing program	March 7, 1995	TXu 619-316
Sales Order Processing/Sales Analysis program	March 7, 1995	TXu 619-315
Shop Floor Control program	March 7, 1995	TXu 619-303
Warehouse Management program	March 7, 1995	TXu 619-313
WorldCASE Development Environment program	March 7, 1995	TXu 619-308
WorldCASE Foundation Environment (3) program	March 7, 1995	TXu 619-319

Table A-3: J.D. Edwards Application Registrations

Title of Work	Date of Registration	Registration Number
Cumulative Update 8 for JD Edwards EnterpriseOne Xe	April 26, 2007	TX 6-541-048
Cumulative Update 1 for JD Edwards EnterpriseOne 8.0	April 26, 2007	TX 6-541-034
Cumulative Update 2 for JD Edwards	April 26, 2007	TX 6-541-032

Title of Work	Date of Registration	Registration Number
EnterpriseOne 8.10		
Cumulative Update 1 for JD Edwards EnterpriseOne 8.12	April 26, 2007	TX 6-541-042
Cumulative Update 16 for JD Edwards World A7.3	April 26, 2007	TX 6-541-031
Cumulative Update 6 for JD Edwards World A8.1	May 1, 2007	TX 6-545-421
Cumulative Update 1 for JD Edwards EnterpriseOne 8.11 SP1	April 26, 2007	TX 6-541-039

Table A-4: J.D. Edwards Cumulative Update Registrations

Title of Work	Date of Registration	Registration Number
Database of Documentary Customer Support Materials for J.D. Edwards Software	July 1, 2009	TXu1-607-455
Changes to Daylight Savings Time for 2007 (DST)	April 26, 2007	TX 6-541-025
ESU for JD Edwards EnterpriseOne Xe	May 3, 2007	TX 6-541-051
ESU for JD Edwards EnterpriseOne 8.0	April 26, 2007	TX 6-541-046
ESU for JD Edwards EnterpriseOne 8.9	April 26, 2007	TX 6-541-036
ESU for JD Edwards EnterpriseOne 8.10	April 26, 2007	TX 6-541-037
ESU for JD Edwards EnterpriseOne 8.11	April 26, 2007	TX 6-541-035
ESU for JD Edwards EnterpriseOne 8.11 SP1	April 26, 2007	TX 6-541-027
ESU for JD Edwards EnterpriseOne 8.12	April 26, 2007	TX 6-541-045
Code Change for JD Edwards World A7.3	April 26, 2007	TX 6-541-043
Code Change for JD Edwards World A8.1	April 26, 2007	TX 6-541-044
E1: 07/77: Quantum for Payroll Tax v.280	April 26, 2007	TX 6-541-022
E1: 1099: Year 2006 1099 ESUs	April 26, 2007	TX 6-541-024
EAP WTHD06: 1099 IRS changes for the year 2006	April 26, 2007	TX 6-541-023
JD Edwards World -- 1099 Changes for Tax Year 2006	April 26, 2007	TX 6-541-026
ECRM89: Common Errors on Mobile Sales	April 26, 2007	TX 6-541-020
GM--Grants issues resolved by FMS ESA 8.9 Bundle #10-653723 (Oct 06)	April 26, 2007	TX 6-541-021

Table A-5: Oracle Updates and Support Materials Registrations for Oracle's J.D. Edwards-branded Products

Title of Work	Date of Registration	Registration Number
Siebel 6.3 Initial Release and Documentation	June 29, 2009	TX 6-941-989
Siebel 7.0.5 Initial Release and Documentation	June 29, 2009	TX 6-941-988
Siebel 7.5.2 Initial Release and Documentation	June 29, 2009	TX 6-941-990
Siebel 7.7.1 Initial Release and Documentation	June 29, 2009	TX 6-941-993
Siebel 7.8 Initial Release and Documentation	June 29, 2009	TX 6-941-995
Siebel 8.0 Initial Release and Documentation	June 29, 2009	TX 6-942-000
Siebel 8.1.1 Initial Release and Documentation	June 29, 2009	TX 6-942-001

Table A-6: Siebel Application Registrations

Title of Work	Date of Registration	Registration Number
Database of Documentary Customer Support Materials for Siebel Software	July 1, 2009	TXu1-607-453

Table A-7: Oracle Updates and Support Materials Registrations for Oracle's Siebel-branded Products

Title of Work	Date of Registration	Registration Number
Oracle 8i Enterprise Edition, release 2 (8.1.6)	February 2, 2001	TX 5-222-106
Oracle9i Database Enterprise : Edition Release 2	June 13, 2003	TX 5-673-282
Oracle Database 10g: Release 2	June 29, 2009	TX 6-942-003
Oracle Relational Database Management System (RDBMS): Release 8.0.4	November 21, 2001	TX 5-392-842
Oracle Relational Database Management System (RDBMS), Release 8.0.5	November 21, 2001	TX 5-392-861
Oracle9i Database Enterprise : Edition Release 1	June 13, 2003	TX 5-673-281
Oracle Database 10g: Release 1	January 16, 2009	TX 6-938-648

Table A-8: Oracle Database Registrations

Vicarious Infringement

2. SAP AG agrees that it is vicariously liable to Oracle International for all of TomorrowNow’s infringement.

3. SAP America agrees that it is vicariously liable to Oracle International for all of TomorrowNow’s infringement.

Contributory Infringement

4. Is it more likely than not that SAP AG is contributorily liable to Oracle International for TomorrowNow’s infringement? (“Yes” is a finding for Oracle International; “No” is a finding for SAP AG.)

_____ Yes _____ No

5. Is it more likely than not that SAP America is contributorily liable to Oracle International for TomorrowNow’s infringement? (“Yes” is a finding for Oracle International; “No” is a finding for SAP America.)

_____ Yes _____ No

Computer Fraud and Abuse Act

6. TomorrowNow agrees that it is directly liable to Oracle USA for violating the

Federal Computer Fraud and Abuse Act.

7. TomorrowNow agrees that it is directly liable to Oracle International for violating the Federal Computer Fraud and Abuse Act.

California Computer Data Access and Fraud Act

8. TomorrowNow agrees that it is directly liable to Oracle USA for violating the California Computer Data Access and Fraud Act.

9. TomorrowNow agrees that it is directly liable to Oracle International for violating the California Computer Data Access and Fraud Act.

Breach of Contract

10. TomorrowNow agrees that it is directly liable to Oracle USA for breaching contracts contained in Oracle USA's terms of use and causing harm to Oracle USA.

Intentional Interference With Prospective Economic Advantage

11. TomorrowNow agrees that it is directly liable to Oracle USA for intentionally interfering with Oracle USA's prospective economic advantage.

12. TomorrowNow agrees that it is directly liable to Oracle International for intentionally interfering with Oracle International's prospective economic advantage.

Negligent Interference With Prospective Economic Advantage

13. TomorrowNow agrees that it is directly liable to Oracle USA for negligently interfering with Oracle USA's prospective economic advantage.

14. TomorrowNow agrees that it is directly liable to Oracle International for

negligently interfering with Oracle International's prospective economic advantage.

Trespass to Chattels

15. TomorrowNow agrees that it is directly liable to Oracle USA for trespass to chattels.

Unjust Enrichment

16. TomorrowNow agrees that it was unjustly enriched at the expense of Oracle USA, Oracle International, and Siebel Systems.

Damages

Please answer the questions below.

17. On its claims for copyright infringement, we award Oracle International compensatory damages in the amount of _____.

18. On its claims for violation of the CFAA and the CDAFA, we award Oracle USA compensatory damages in the amount of _____.

19. On its claims for violation of the CFAA and the CDAFA, we award Oracle International compensatory damages in the amount of _____.

Do not award duplicate damages for the same injury. If you have already awarded Oracle International damages on other claims that together fully compensate Oracle International on these claims, write "0" in the blank above, even though Defendants have conceded that TomorrowNow is liable on these claims.

If you already awarded Oracle International damages on other claims, that together do not fully compensate Oracle International on these claims, write in the blank above the additional amounts that you find are necessary to fully compensate Oracle International on these claims.

20. On its claims for breach of contract, interference with prospective economic advantage, negligent interference with prospective economic advantage, and trespass to chattels we award Oracle USA compensatory damages in the amount of _____.

Do not award duplicate damages for the same injury. If you have already awarded Oracle USA damages on other claims that together fully compensate Oracle USA on these claims, write "0" in the blank above, even though Defendants have conceded that TomorrowNow is liable on these claims.

If you already awarded Oracle USA damages on other claims, that together do not fully compensate Oracle USA on these claims, write in the blank above the additional amounts that you find are necessary to fully compensate Oracle USA on these claims.

21. On its claims for intentional interference with prospective economic advantage and negligent interference with prospective economic advantage, we award Oracle International compensatory damages in the amount of _____.

Do not award duplicate damages for the same injury. If you have already awarded Oracle International damages on other claims that together fully compensate Oracle International on these claims, write "0" in the blank above, even though Defendants have conceded that TomorrowNow is liable on these claims.

If you already awarded Oracle International damages on other claims, that together do not fully compensate Oracle International on these claims, write in the blank above the additional amounts that you find are necessary to fully compensate Oracle International on these claims.

22. On their claims for unjust enrichment, we award Plaintiffs _____.

Do not award duplicate damages for the same injury. If you have already awarded Plaintiffs damages on other claims that together award Plaintiffs the full amounts by which TomorrowNow was unjustly enriched, write "0" in the blank above, even though Defendants have conceded that TomorrowNow is liable on this claim.

If you already awarded Plaintiffs damages on other claims, that together do not award Plaintiffs the full amounts by which TomorrowNow was unjustly enriched, write in the blank above the additional amounts that you find are necessary to fully compensate Plaintiffs on this claim.

Please answer the following question:

23. We find that TomorrowNow engaged in conduct that was malicious, oppressive, fraudulent or in reckless disregard of Plaintiffs' rights:

_____ Yes _____ No

If you answered "Yes" in response to question 24, please state the amount of punitive damages you award, if any, against TomorrowNow:

24. We award punitive damages in the amount of _____.

Dated _____

Foreperson