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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 WITNESS LIST

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

1 Plaintiffs Oracle USA, Inc., Oracle International Corporation, and Siebel Systems, Inc.
 2 (collectively “Oracle”) respectfully submit this Updated Witness List identifying witnesses to be
 3 called either live or by deposition at trial, pursuant to the Court’s Pretrial Instructions, the
 4 Stipulated Revised Case Management Order (“Case Management Order”) filed June 11, 2009
 5 (Dkt. No. 325), the Parties’ Trial Stipulation and Order (Dkt. No. 866), the Court’s September 13
 6 Order on Pretrial Issues (Dkt. No. 867), and Federal Rule of Civil Procedure 26(a). Pursuant to
 7 the Court’s Pretrial Instructions, this list identifies all witnesses Oracle expects to call at trial, in
 8 person or by deposition, other than solely for impeachment or rebuttal purposes. Oracle reserves
 9 the right to call additional witnesses for purposes of impeachment or rebuttal at trial. Oracle also
 10 reserves the right to call any witness, either live or by deposition, identified on the witness lists
 11 of Defendants SAP AG, SAP America, Inc., and TomorrowNow, Inc. (collectively “SAP”), and
 12 on both lists previously filed on August 5, 2010.

13 Oracle’s descriptions below intend to encompass all of Oracle’s affirmative deposition
 14 designations, filed on August 5, 2010 pursuant to the Case Management Order. Oracle reserves
 15 the right to narrow or amend this Witness List to account for court rulings, further proceedings,
 16 further stipulations, or further meet and confer between the Parties.

17 Contact information for each witness has been exchanged during the course of discovery.
 18 All Oracle affiliated witnesses must continue to be contacted through Oracle’s counsel of record.

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 20 **ORACLE’S WITNESS LIST**

21 Witness	22 Affiliation	23 Brief Description of Substance of Testimony
24 Ackermann, Norm	Oracle	PeopleSoft products, development and support; Derivative works
25 Adler, Todd	Oracle	Copyright registrations; Copyright ownership/authorship
26 Allison, Richard	Oracle	Oracle license agreements; Oracle licensing practices, pricing and contracts; Oracle Websites and Terms of Use
27 Angioletti, Thomas	Oracle	Copyrights
28 Brook, Paul	Oracle	Downloading investigation; Oracle support services

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Witness	Affiliation	Brief Description of Substance of Testimony
Catz, Safra	Oracle	ERP software market and competition; PeopleSoft acquisition; Siebel acquisition; Oracle customer relationships; Oracle financial information; Hypothetical license expectations; Oracle support organization metrics and reports
Ellison, Lawrence	Oracle	History and development of Oracle; Oracle business structure and management; Oracle product development information; Oracle software support; Oracle maintenance revenue; PeopleSoft acquisition; Siebel acquisition; Impact of SAP's acquisition of TN on Oracle; Harm to Oracle; ERP software competition/market; Hypothetical license expectations; Oracle financial results
Fowler, Linda	Oracle	PeopleSoft products, development and support; Derivative works
Kees, Jason	Oracle	Downloading investigation; Damage/harm to Oracle data/systems
Kishore, Ann	Oracle	Oracle corporate structure; Licensing; Inter-entity payments
Koehler, Uwe	Oracle	Downloading investigation; Damage/harm to Oracle data/systems
Mickelsen, Brady	Oracle	Oracle corporate structure; Copyright ownership; Computer systems ownership; Oracle acquisition of Sun Microsystems
O'Shea, Julie	Oracle	Downloading investigation; Damage/harm to Oracle data/systems; Oracle support services; Customer Connection websites; Oracle Websites and Terms of Use; JD Edwards products, development and support
Phillips, Charles	Oracle	Oracle business structure and management; PeopleSoft acquisition; Siebel acquisition; Impact of SAP's acquisition of TN on Oracle; Harm to Oracle; Oracle financial information; Oracle customer relationships; Oracle sales and marketing; Oracle maintenance revenue; Hypothetical license expectations

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Witness	Affiliation	Brief Description of Substance of Testimony
Ransom, Buffy	Oracle	Customer Connection website; Downloading investigation; Damage/harm to Oracle's data/systems; JD Edwards products, development and support; JD Edwards copyrights; Oracle licensing practices and contracts; Copyright ownership/authorship
Rottler, Juergen	Oracle	Oracle support services and materials; Software support industry; Third-party support providers; Oracle maintenance revenue; PeopleSoft acquisition; Siebel acquisition; Impact of SAP's acquisition of TN on Oracle; Oracle customer relationships; Oracle sales and marketing; Oracle support organization metrics and reports
Screven, Edward	Oracle	Oracle product development; PeopleSoft, JD Edwards, and Siebel product lines; Oracle Database Software products; Copyrights; Oracle business structure and management; Derivative works; Harm to Oracle; Oracle financial information; Oracle customer relationships; Oracle sales and marketing; Oracle copyrighted software and support materials
Veum, Marlene	Oracle	Downloading investigation; Damage/harm to Oracle data/systems
Agassi, Shai	SAP	SAP's acquisition of TN; TN business case and projections; SAP's knowledge, oversight and direction of SAP TN's activities; Benefits of TN acquisition; Safe Passage and SAP TN marketing; SAP TN geographical and product expansions; ERP software competition/market; SAP corporate history and structure
Apotheker, Leo	SAP	SAP's acquisition of TN; TN business case and projections; SAP's knowledge, oversight and direction of SAP TN's activities; Benefits of SAP TN acquisition; Safe Passage and SAP TN marketing; SAP TN geographical and product expansions; SAP and SAP TN post-litigation activities
Brandt, Werner	SAP	SAP's acquisition of TN; TN business case and projections; SAP's knowledge, oversight and direction of SAP TN's activities; Benefits of TN acquisition; Safe Passage and SAP TN marketing; SAP and SAP TN post-litigation activities

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Witness	Affiliation	Brief Description of Substance of Testimony
Breuer, Martin	SAP	SAP's acquisition of TN; SAP's knowledge, oversight and direction of SAP TN's activities; Benefits of SAP TN acquisition; Safe Passage and SAP TN marketing; SAP TN geographical and product expansions; SAP and SAP TN post-litigation activities
Crean, Tim	SAP	SAP's acquisition of TN; SAP's knowledge, oversight and direction of SAP TN's activities
Faye, Christopher	SAP	SAP's acquisition of TN; SAP's knowledge, oversight and direction of SAP TN's activities; SAP and SAP TN post-litigation activities
Hurst, Terry	SAP	Safe Passage program; Benefits of TN acquisition; SAP's knowledge, oversight and direction of SAP TN's activities
Kagermann, Henning	SAP	SAP's acquisition of TN; TN business case and projections; SAP's knowledge, oversight and direction of SAP TN's activities; Benefits of TN acquisition; Safe Passage and SAP TN marketing; SAP TN geographical and product expansions; SAP/TN post-litigation activities; ERP software market; SAP TN downloading from Oracle websites
Mackey, James	SAP	SAP's acquisition of TN
Oswald, Gerhard	SAP	SAP's acquisition of TN; TN business case and projections SAP's knowledge, oversight and direction of SAP TN's activities; Benefits of TN acquisition; Safe Passage and SAP TN marketing; SAP/TN post-litigation activities; SAP TN geographical and product expansions
Plattner, Hasso	SAP	SAP corporate history and structure; SAP's acquisition of TN
Schmidt, Josef	SAP	SAP's acquisition of TN; SAP's knowledge, oversight and direction of SAP TN's activities
Scholten, Jochen	SAP	Oracle Database Software and SAP TN licenses; Oracle/SAP Reseller Agreement
Schraeder, Georg	SAP	Oracle Database Software and SAP TN licenses; Oracle/SAP Reseller Agreement
Shenkman, Arlen	SAP	SAP's acquisition of TN
Trainor, Scott	SAP	SAP's acquisition of TN; Safe Passage and SAP TN marketing; SAP TN/Customer communications; SAP TN customer contracts and licensing

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Witness	Affiliation	Brief Description of Substance of Testimony
Tseng, Stephen	SAP	SAP's acquisition of TN; SAP's knowledge, oversight and direction of SAP TN's activities
Welz, Bernd	SAP	SAP's acquisition of TN; SAP's knowledge, oversight and direction of SAP TN's activities; SAP TN geographical and product expansions
White, Mark	SAP	SAP's acquisition of TN; SAP's knowledge, oversight and direction of SAP TN's activities; Benefits of TN acquisition; Safe Passage and SAP TN marketing; SAP/TN post-litigation activities; Oracle Database Software and SAP TN licenses
Word, Jeff	SAP	SAP's acquisition of TN; Safe Passage and SAP TN marketing
Zepecki, John	SAP	SAP's acquisition of TN; TN business case and projections
Ziemen, Thomas	SAP	SAP's acquisition of TN; SAP's knowledge, oversight and direction of SAP TN's activities; Benefits of TN acquisition; Safe Passage and SAP TN marketing; SAP and SAP TN post-litigation activities
Arakib, Hadi	TomorrowNow	SAP TN business model and support services; TN copying, modification, public display, distribution and use of Oracle software and support materials
Baugh, John	TomorrowNow	SAP TN downloading from Oracle websites; TN copying, public display, modification, distribution and use of Oracle software; SAP TN business model and support services; SAP TN post-litigation activities; Oracle Database Software and SAP TN licenses; SAP TN spoliation and document destruction
Bowden, Matthew	TomorrowNow	SAP TN business model and support services; SAP TN copying, modification, distribution and use of Oracle software and support materials
Geib, Bob	TomorrowNow	SAP TN business model and support services; SAP TN/Customer communications; TN sales practices and results; Safe Passage and SAP TN marketing; SAP's knowledge, oversight and direction of SAP TN's activities
Garcia, Larry	TomorrowNow	SAP TN business model and support services; SAP TN copying, modification, distribution and use of Oracle software and support materials

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Witness	Affiliation	Brief Description of Substance of Testimony
Garcia, Melissa	TomorrowNow	SAP TN business model and support services; SAP TN copying, modification, distribution and use of Oracle software and support materials; SAP TN downloading from Oracle websites; development and testing of TN automated download tools
Hyde, Catherine	TomorrowNow	SAP TN downloading from Oracle websites; SAP TN copying, modification, distribution and use of Oracle software and support materials; SAP TN business model and support services; SAP TN history and corporate structure; SAP TN post-litigation activities
Jones, Wanda	TomorrowNow	SAP TN business model and support services; SAP TN copying, modification, distribution and use of Oracle software and support materials
Kreutz, Mark	TomorrowNow	SAP TN downloading from Oracle websites; SAP TN copying, modification, distribution and use of Oracle software and support materials; SAP TN business model and support services; SAP TN post-litigation activities; SAP TN spoliation and document destruction; SAP TN/Customer communications; SAP's knowledge, oversight and direction of SAP TN's activities
Lanford, Peggy	TomorrowNow	SAP TN downloading from Oracle websites; SAP TN copying, modification, distribution and use of Oracle software and support materials; SAP TN business model and support services
Loftus, Lesley	TomorrowNow	Safe Passage and SAP TN marketing; TN customer communications; SAP's knowledge, oversight and direction of SAP TN's activities; SAP TN business model and support services
Martinez, Kimberly	TomorrowNow	SAP TN business model and support services; SAP TN copying, modification, distribution and use of Oracle software and support materials

Witness	Affiliation	Brief Description of Substance of Testimony
Nelson, Andrew	TomorrowNow	SAP TN history and corporate structure; SAP TN business model and support services; Third party support market; SAP TN copying, modification, distribution and use of Oracle software and support materials; Oracle Database Software and SAP TN licenses; SAP TN/Customer communications; SAP TN sales practices and results; SAP's acquisition of TN; SAP's knowledge, oversight and direction of SAP TN's activities; Safe Passage and SAP TN marketing; SAP TN geographical and product expansions; SAP and SAP TN post-litigation activities
Nelson, Gregory	TomorrowNow	TN history and corporate structure; SAP TN business model and support services; SAP's acquisition of TN; SAP's knowledge, oversight and direction of SAP TN's activities; SAP TN downloading from Oracle websites; Development and testing of SAP TN automated download tools; SAP TN spoliation and document destruction; SAP and SAP TN post-litigation activities; Oracle Database Software and SAP TN licenses
Nelson, Shelley	TomorrowNow	SAP TN history and corporate structure; SAP TN downloading from Oracle websites; SAP TN copying, modification, distribution, public display and use of Oracle software and support materials; SAP TN business model and support services; SAP TN post-litigation activities; Oracle Database Software and SAP TN licenses; SAP TN/Customer communications; SAP's acquisition of TN; SAP's knowledge, oversight and direction of SAP TN's activities
O'Neil, Owen	TomorrowNow	SAP TN downloading from Oracle websites; SAP TN copying, modification, distribution and use of Oracle software and support materials; SAP TN business model and support services; SAP TN post-litigation activities; SAP TN geographical and product expansions; SAP's knowledge, oversight and direction of SAP TN's activities
Osterloh, Eric	TomorrowNow	SAP TN business model; SAP's acquisition of TN; Safe Passage and SAP TN marketing; SAP TN/Customer communications; SAP TN customer contracts and licensing; SAP TN sales practices and results; SAP's knowledge, oversight and direction of SAP TN's activities

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Witness	Affiliation	Brief Description of Substance of Testimony
Phillips, Spencer	TomorrowNow	SAP TN business model; Safe Passage and SAP TN marketing; SAP TN/Customer communications; SAP TN customer contracts and licensing; SAP TN sales practices and results; SAP's knowledge, oversight and direction of SAP TN's activities
Piper, Sharon	TomorrowNow	SAP TN business model and support services; SAP TN copying, modification, distribution and use of Oracle software and support materials
Ritchie, John	TomorrowNow	SAP TN business model and support services; SAP TN downloading from Oracle websites; development and testing of SAP TN automated download tools; SAP TN spoliation and document destruction
Russell, Roderic	TomorrowNow	SAP TN business model and support services; SAP TN copying, modification, distribution and use of Oracle software and support materials; SAP TN spoliation and document destruction; SAP TN post-litigation activities
Shankle, Keith	TomorrowNow	SAP TN business model and support services; SAP TN copying, modification, distribution and use of Oracle software and support materials; SAP TN downloading from Oracle websites
Surette, Peter	TomorrowNow	SAP TN downloading from Oracle websites; SAP TN copying, modification, distribution and use of Oracle software and support materials; SAP TN business model and support services; SAP TN history and corporate structure; SAP TN post-litigation activities; SAP TN spoliation and document destruction
Tanner, John	TomorrowNow	SAP TN business model and support services; SAP TN downloading from Oracle websites; SAP TN copying, modification, distribution and use of Oracle software and support materials
Thomas, William	TomorrowNow	SAP TN servers and network structure; SAP TN business model and support services; SAP TN copying, modification, distribution and use of Oracle software and support materials; Oracle Database Software and SAP TN licenses; SAP's knowledge, oversight and direction of SAP TN's activities
VonFeldt, Patti	TomorrowNow	SAP TN business model and support services; SAP TN copying, modification, distribution and use of Oracle software and support materials; SAP TN downloading from Oracle websites

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Witness	Affiliation	Brief Description of Substance of Testimony
Williams, Kathy	TomorrowNow	SAP TN business model and support services; SAP TN copying, modification, distribution and use of Oracle software and support materials; SAP TN post-litigation activities; SAP's knowledge, oversight and direction of SAP TN's activities
Ravin, Seth	TomorrowNow/ Rimini Street	SAP TN history and corporate structure; SAP TN business model and support services; SAP's acquisition of TN; SAP's knowledge, oversight and direction of SAP TN's activities; Safe Passage and SAP TN marketing; SAP TN geographical and product expansions; SAP TN/Customer communications; SAP TN sales practices and results; Rimini Street history and corporate structure; Rimini Street business model
Hallenberger, Tracy	Baker Botts LLP	Baker Botts software licenses and software support services
O'Donnell, Jeffrey	Lexmark	Lexmark software licenses and software support services
Wasson, Robert	McLennan County	McLennan County software licenses and software support services
Singh, Bruno	NBC Universal	NBC Universal software licenses and software support services
Kreul, John	Pepsi Americas, Inc.	Pepsi software licenses and software support services
Anderson, Mark	Travel Centers of America	Travel Centers software licenses and software support services
Cooley, Paul	Waste Management	Waste Management software licenses and software support services
Levy, Daniel	Expert	Statistical analyses supporting Mr. Mandia's analysis; analysis of regression analyses performed by Defendants' expert, Stephen Clarke
Lichtman, Douglas	Expert	Economic and public policy rationale for fair market value license of copyrighted materials, and as appropriate damages measure
Mandia, Kevin	Expert	Copying, modification, distribution and use of Oracle software and support materials; nature and effect of access to Oracle websites

