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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 OBJECTIONS TO  
 DEFENDANTS’ DEPOSITION  
 DESIGNATIONS**

Date: November 1, 2010  
 Time: 8:30 a.m.  
 Place: Courtroom 3  
 Judge: Hon. Phyllis J. Hamilton



# Exhibit A

<i>Testimony</i>	<i>Oracle's Objections</i>	<i>Ruling</i>
<b>Mark Anderson (Travel Centers) — 6/8/2009</b>		
<p>Anderson, Mark [TravelCenters]  <b>Oracle objects to the deposition testimony at: 127:9 - 127:18; 128:7 - 128:22; 129:3 - 129:17; 103:3 - 130:11; 130:22 - 131:5.</b></p>	<p><u>Calls for legal conclusion.</u> Customer is asked to interpret the terms and conditions of its contract with TomorrowNow.</p>	
<p>Anderson, Mark [TravelCenters]  <b>Oracle objects to the deposition testimony at: 174:13 - 175:1.</b></p>	<p><b>Oracle objects to the deposition testimony at: 174:13 - 175:1.</b>  <u>FRE 402 - Not Relevant; Plaintiffs' MIL 1.</u> These questions, and the testimony they elicit, relate to whether the customer sought advice of counsel regarding its contract with TomorrowNow. This is completely irrelevant to any issue in this case. To the extent that it is relevant, it violates Plaintiffs' Motion in Limine No. 1. Defendants stated in Court that "[they] do not plan to put in any evidence that evidences advice of counsel." 9/30/10 Hrg Tr. at 8:18 - 8:19. The Court granted Plaintiffs' MIL 1 "to the extent that <i>any witness</i> seeks to testify that he/she relied on advice of counsel with regard to TomorrowNow's operational activities." (Dkt 914).</p>	
<b>Steven Brazile (Sara Lee) — 10/14/2009</b>		
<p>Brazile, Steven [Sara Lee]  <b>Oracle objects to the deposition testimony at: 68:10 - 69:3.</b></p>	<p><u>FRE 402 - Not Relevant; Plaintiffs' MIL 1.</u> These questions, and the testimony they elicit, relate to whether the customer sought advice of counsel regarding its contract with TomorrowNow. This is irrelevant to any issue in this case. To the extent that it is relevant, it violates Plaintiffs' Motion in Limine No. 1. Defendants stated in Court that "[they] do not plan to put in any evidence that evidences advice of counsel." 9/30/10 Hrg Tr. at 8:18 - 8:19. The Court granted Plaintiffs' MIL 1 "to the extent that <i>any witness</i> seeks to testify that he/she relied on advice of counsel with regard to TomorrowNow's operational activities." (Dkt 914).</p>	
<b>Tracy Hallenberger (Baker Botts) — 11/18/2009</b>		
<p>Hallenberger, Tracy [Baker Botts]  <b>Oracle objects to the deposition testimony at: 50:21 - 50:25.</b></p>	<p><u>FRE 402 - Not Relevant; Plaintiffs' MIL 1.</u> These questions, and the testimony they elicit, relate to whether the customer sought advice of counsel regarding its contract with TomorrowNow. This is completely irrelevant to any issue in this case. To the extent that it is relevant, it violates Plaintiffs' Motion in Limine No. 1. Defendants stated in Court that "[they] do not plan to put in any evidence that</p>	

<i>Testimony</i>	<i>Oracle's Objections</i>	<i>Ruling</i>
	evidences advice of counsel.” 9/30/10 Hrg Tr. at 8:18 - 8:19. The Court granted Plaintiffs’ MIL 1 “to the extent that <i>any witness</i> seeks to testify that he/she relied on advice of counsel with regard to TomorrowNow’s operational activities.” (Dkt 914).	
Hallenberger, Tracy [Baker Botts] <b>Oracle objects to the deposition testimony at: 51:8 - 51:16.</b>	<u>FRE 402 - Not Relevant; Plaintiffs’ MIL 1.</u> These questions, and the testimony they elicit, relate to whether the customer sought advice of counsel regarding its contract with TomorrowNow. This is completely irrelevant to any issue in this case. To the extent that it is relevant, it violates Plaintiffs’ Motion in Limine No. 1. Defendants stated in Court that “[they] do not plan to put in any evidence that evidences advice of counsel.” 9/30/10 Hrg Tr. at 8:18 - 8:19. The Court granted Plaintiffs’ MIL 1 “to the extent that <i>any witness</i> seeks to testify that he/she relied on advice of counsel with regard to TomorrowNow’s operational activities.” (Dkt 914).	
Hallenberger, Tracy [Baker Botts] <b>Oracle objects to the deposition testimony at: 60:16 - 61:1.</b>	<u>FRE 402 - Not Relevant; FRE 602 - Calls For Speculation.</u> The deponent is asked about the meaning of a statement made by someone else, to someone else. This is not relevant and the witness lacks personal knowledge of the matter.	
<b>Robyn Harrel (Apria Healthcare) — 9/8/2009</b>		
Harrel, Robyn [Apria Healthcare] <b>Oracle objects to the deposition testimony at: 29:8 - 30:12.</b>	<u>FRE 403 - Probative value outweighed by prejudice; FRE 802 - Hearsay; FRE 1002 - Requirement of Original.</u> The question asks for and the witness testifies about out of court statements contained in a memo. This is hearsay, as statements in the document are offered for the truth of the matter asserted. Hearsay is not admissible at trial just because it is provided by a 30(b)(6) witness. <i>See e.g., Cincinnati Ins. Co. v. Gray</i> , 2010 WL 3522954, at *7 (S.D. Ind. 2010). Furthermore, the original is required to prove the contents of this writing. In addition, the testimony is unfairly prejudicial as the document was created by the witness/customer for purposes of renegotiating its contract with Oracle ( <i>see</i> 25:14-17) (“Q. What was your understanding of why Apria sent this memo to J.D. Edwards? A. As I recall, we -- we wanted to renegotiate the license costs.”)	
Harrel, Robyn [Apria Healthcare] <b>Oracle objects to the deposition testimony at: 30:22 - 31:4; 31:12 - 32:11.</b>	<u>FRE 403 - Probative value outweighed by prejudice; FRE 802 - Hearsay; FRE 1002 - Requirement of Original.</u> The question asks for and the witness testifies about out of court statements contained in a	

<b>Testimony</b>	<b>Oracle's Objections</b>	<b>Ruling</b>
	<p>memo. This is hearsay, as statements in the document are offered for the truth of the matter asserted. Hearsay is not admissible at trial just because it is provided by a 30(b)(6) witness. <i>See e.g., Cincinnati Ins. Co. v. Gray</i>, 2010 WL 3522954, at *7 (S.D. Ind. 2010). Furthermore, the original is required to prove the contents of this writing. In addition, the testimony is unfairly prejudicial as the document was created by the witness/customer for purposes of renegotiating its contract with Oracle (<i>see</i> 25:14-17) (“Q. What was your understanding of why Apria sent this memo to J.D. Edwards? A. As I recall, we -- we wanted to renegotiate the license costs.”)</p>	
<p>Harrel, Robyn [Apria Healthcare]  <b>Oracle objects to the deposition testimony at: 33:3 - 33:17; 33:20 - 34:5.</b></p>	<p><u>FRE 403 - Probative value outweighed by prejudice; FRE 802 - Hearsay; FRE 1002 - Requirement of Original.</u> The question asks for and the witness testifies about out of court statements contained in a memo of complaints. This is hearsay, as statements in the document are offered for the truth of the matter asserted. Hearsay is not admissible at trial just because it is provided by a 30(b)(6) witness. <i>See e.g., Cincinnati Ins. Co. v. Gray</i>, 2010 WL 3522954, at *7 (S.D. Ind. 2010). Furthermore, the original is required to prove the contents of this writing. In addition, the testimony is unfairly prejudicial as the document was created by the witness/customer for purposes of renegotiating its contract with Oracle (<i>see</i> 25:14-17) (“Q. What was your understanding of why Apria sent this memo to J.D. Edwards? A. As I recall, we -- we wanted to renegotiate the license costs.”)</p>	
<p>Harrel, Robyn [Apria Healthcare]  <b>Oracle objects to the deposition testimony at: 58:8 - 58:19.</b></p>	<p><u>FRE 402 - Not Relevant; Plaintiffs' MIL 1.</u> These questions, and the testimony they elicit, relate to whether the customer sought advice of counsel regarding its contract with TomorrowNow. This is completely irrelevant to any issue in this case. To the extent that it is relevant, it violates Plaintiffs' Motion in Limine No. 1. Defendants stated in Court that “[they] do not plan to put in any evidence that evidences advice of counsel.” 9/30/10 Hrg Tr. at 8:18 - 8:19. The Court granted Plaintiffs' MIL 1 “to the extent that <i>any witness</i> seeks to testify that he/she relied on advice of counsel with regard to TomorrowNow's operational activities.” (Dkt 914).</p>	

<i>Testimony</i>	<i>Oracle's Objections</i>	<i>Ruling</i>
<b>Daniel Jerome (Electrolux)— 10/7/2009</b>		
Jerome, Daniel [Electrolux] <b>Oracle objects to the deposition testimony at: 59:5 - 59:18.</b>	<u>FRE 802 - Hearsay.</u> The question elicits testimony regarding an out an out of court statement about why company left Oracle that is offered for the truth of the matter asserted, and does not fall within any hearsay exception. Hearsay is not admissible at trial just because it is provided by a 30(b)(6) witness. <i>See e.g., Cincinnati Ins. Co. v. Gray</i> , 2010 WL 3522954, at *7 (S.D. Ind. 2010).	
Jerome, Daniel [Electrolux] <b>Oracle objects to the deposition testimony at: 86:7 - 86:11.</b>	<u>FRE 802 - Hearsay.</u> The question elicits testimony regarding an out an out of court statement about why company left Oracle that is offered for the truth of the matter asserted, and does not fall within any hearsay exception. Hearsay is not admissible at trial just because it is provided by a 30(b)(6) witness. <i>See e.g., Cincinnati Ins. Co. v. Gray</i> , 2010 WL 3522954, at *7 (S.D. Ind. 2010).	
<b>Juan Jones — 4/24/2009</b>		
Jones, Juan <b>Oracle objects to the deposition testimony at: 136:7 - 136: 15.</b>	<u>FRE 403 - Unduly Prejudicial; FRE 402 - Not Relevant.</u> This testimony, and the document it references, have no probative value. The document is an Oracle-internal communication and relates to a non-relevant customer that never left Oracle for TomorrowNow. This is substantially outweighed by the likelihood of undue prejudice that may be caused by the potentially inflammatory language.	
Jones, Juan <b>Oracle objects to the deposition testimony at: 137:11 - 138:5; 138:14 - 138:22.</b>	<u>FRE 403 - Unduly Prejudicial; FRE 402 - Not Relevant.</u> This testimony has no probative value. The testimony concerns an internal e-mail regarding an employee's personal opinions. This is substantially outweighed by the likelihood of undue prejudice that may be caused by the potentially inflammatory language.	
<b>John Kreul (Pepsi Americas) — 6/2/2009</b>		
Kreul, John [Pepsi Americas] <b>Oracle objects to the deposition testimony at: 133:14 - 134:2; 135:9 - 135:17</b>	<u>FRE 402 - Not Relevant; Plaintiffs' MIL 1.</u> These questions, and the testimony they elicit, relate to whether the customer sought advice of counsel regarding its contract with TomorrowNow. This is completely irrelevant to any issue in this case. To the extent that it is relevant, it violates Plaintiffs' Motion in Limine No. 1. Defendants stated in Court that "[they] do not plan to put in any evidence that evidences advice of counsel." 9/30/10 Hrg Tr. at 8:18 - 8:19. The Court granted Plaintiffs' MIL 1 "to the extent that any witness seeks to testify that he/she	

<i>Testimony</i>	<i>Oracle's Objections</i>	<i>Ruling</i>
	relied on advice of counsel with regard to TomorrowNow's operational activities." (Dkt 914).	
Kreul, John [Pepsi Americas] <b>Oracle objects to the deposition testimony at: 141:12 - 141:19.</b>	<u>Calls for legal conclusion.</u> Customer is asked to interpret the terms and conditions of its contract with TomorrowNow.	
<b>Andrew Nelson — 2/26/2009</b>		
Nelson, Andrew <b>Oracle objects to the deposition testimony at: 260:25 - 263:4; 263:20 - 264:7.</b>	<u>FRE 802 - Hearsay; FRE 602 - Lack of Foundation.</u> The witness testifies about out of court statements made by SAP and inferred from these statements. The witness lays no foundation of his personal knowledge about what SAP allegedly instructed TomorrowNow to do and testifies only to his alleged understanding of the alleged instruction. This testimony is offered only to show the truth of the matter asserted — that SAP gave instructions to TomorrowNow and is therefore hearsay that does not fall within any exception.	
<b>Andrew Nelson — 4/29/2009</b>		
Nelson, Andrew <b>Oracle objects to the deposition testimony at: 273:8 - 273:24.</b>	<u>FRE 802 - Hearsay; FRE 602 - Lack of Foundation.</u> The witness testifies about out of court statements made by SAP and information inferred from these statements. The witness lays no foundation of his personal knowledge about what SAP allegedly instructed TomorrowNow to do and testifies only to his understanding of the alleged instruction. This testimony is offered only to show the truth of the matter asserted — that SAP gave instructions to TomorrowNow and is therefore hearsay that does not fall within any exception.	
<b>Oracle objects to the deposition testimony at: 273:25 - 274:9.</b>	<u>FRE 602 - Lack of Foundation; calls for speculation.</u> Witness testifies that he can only speculate about when SAP's alleged communication to TomorrowNow occurred and that he does not recall the details.	
Nelson, Andrew <b>Oracle objects to the deposition testimony at: 343:5 - 344:5.</b>	<u>FRE 802 - Hearsay; FRE 602 - Lack of Foundation; calls for speculation.</u> The witness testifies about out of court statements made by SAP and information inferred from these statements. The witness lays no foundation of his personal knowledge about what SAP allegedly instructed TomorrowNow to do and testifies that he does not recall. This testimony is therefore speculation. The testimony is offered only to show the truth of the matter asserted — that SAP	



<i>Testimony</i>	<i>Oracle's Objections</i>	<i>Ruling</i>
	gave instructions to TomorrowNow and is therefore hearsay that does not fall within any exception.	
Nelson, Andrew <b>Oracle objects to the deposition testimony at: 362:13 - 362:24.</b>	<u>FRE 802 - Hearsay; calls for speculation.</u> The witness testifies about out of court statements that he made to SAP. The statements are offered for the truth of the matter asserted — that he communicated often to SAP about his progress — and do not fall within a hearsay exception. The witness also speculates about the progress TomorrowNow was making.	
<b>Greg Nelson — 2/19/2009</b>		
Nelson, Greg <b>Oracle objects to the deposition testimony at: 198:20 - 199:6.</b>	<u>FRE 802 - Hearsay.</u> The deponent testifies about out of court statements made by Andrew Nelson. These out of court statements are offered for the truth of the matter asserted, and do not fall within any exception.	
<b>Shelley Nelson — 4/18/2008</b>		
Nelson, Shelley <b>Oracle objects to the deposition testimony at: 453:7 - 453:11; 453:17 -453:21 .</b>	<u>FRE 802 - Hearsay.</u> The deponent testifies about an out of court statement she implies someone else made to her — since she “did not speak to SAP directly” — regarding what SAP allegedly told TomorrowNow to do. These out of court statements are offered for the truth of the matter asserted, and do not fall within any exception.	
Nelson, Shelley <b>Oracle objects to the deposition testimony at: 459:19 - 460:7.</b>	<u>FRE 802 - Hearsay; FRE 602 - Calls for Speculation.</u> The deponent testifies about out of court statements made by SAP. These out of court statements are offered for the truth of the matter asserted, and do not fall within any exception. Furthermore, the deponent’s testimony calls for speculation because she says her answers are guesses.	
Nelson, Shelley <b>Oracle objects to the deposition testimony at: 462:17 - 463:3.</b>	<u>FRE 802 - Hearsay; calls for legal conclusion.</u> The deponent testifies about out of court statements made by unnamed persons. These out of court statements are offered for the truth of the matter asserted, and do not fall within any exception. Question also elicits a legal opinion about whether there was a “valid justification” for changing it’s business model.	
<b>Shelley Nelson — 9/3/2009</b>		
Nelson, Shelley <b>Oracle objects to the deposition testimony at: 631:8 - 631:24.</b>	<u>FRE 802 - Hearsay; calls for legal conclusion.</u> The deponent testifies about out of court statements, even though she could not remember whether the statements were made by John Baugh or George Lester. These out of court statements are offered for the truth of the matter asserted, and do not fall within any exception. Question elicits legal opinion testimony about witness’s understanding of a license	

<i>Testimony</i>	<i>Oracle's Objections</i>	<i>Ruling</i>
	agreement.	
<b>Jeffrey O'Donnell (Lexmark) — 9/15/2009</b>		
O'Donnell, Jeffrey [Lexmark] <b>Oracle objects to the deposition testimony at: 27:4 - 27:15.</b>	<u>FRE 402 - Not Relevant; Plaintiffs' MIL 1.</u> Customer sought advice of counsel regarding its contract with TomorrowNow. This is irrelevant to any issue in the case. To the extent that it is relevant, it violates Plaintiffs' Motion in Limine No. 1. Defendants stated in Court that "[they] do not plan to put in any evidence that evidences advice of counsel." 9/30/10 Hrg Tr. at 8:18 - 8:19. The Court granted Plaintiffs' MIL 1 "to the extent that <i>any witness</i> seeks to testify that he/she relied on advice of counsel with regard to TomorrowNow's operational activities" (Dkt 914).	
<b>Owen O'Neil — 3/10/2009</b>		
O'Neil, Owen <b>Oracle objects to the deposition testimony at: 109:22 - 110:9.</b>	<u>FRE 602 - Lack of Foundation.</u> The question asks about any rules relating to use of customer software. The witness admits that he never "did any of this" and so he lacks the personal knowledge required by Rule 602.	
<b>Seth Ravin — 5/21/2009</b>		
Ravin, Seth <b>Oracle objects to the deposition testimony at: 18:6 - 18:13.</b>	<u>FRE 802 - Hearsay.</u> Former PeopleSoft CEO's statement is not a party admission as is he is not a representative of Oracle, never worked for Oracle, and at the time, PeopleSoft's interests were adverse to Oracle's.	
Ravin, Seth <b>Oracle objects to the deposition testimony at: 25:3 -25:23.</b>	<u>FRE 802 - Hearsay; FRE 402 - Relevance; FRE 403 - Unduly Prejudicial.</u> Deponent is testifying about out of court statements made by him and others at an alleged meeting, and those statements are offered for the truth of the matter asserted. The statements allegedly made by former PeopleSoft employees are not party admission as they were made prior to Oracle's acquisition of the company, and at a time when PeopleSoft's interests were adverse to Oracle's. Even if true, the statements are also not relevant because they do not bear on any issues in this case, including whether Defendants are liable, or whether Defendants caused customers to leave. Finally, it would unduly prejudicial to admit unsubstantiated deposition testimony regarding accusations of market-fixing.	
Ravin, Seth	<u>FRE 802 - Hearsay.</u> The question at 26:8-26:12	

<i>Testimony</i>	<i>Oracle's Objections</i>	<i>Ruling</i>
<b>Oracle objects to the deposition testimony at: 26:8-26:19.</b>	contains out of court statements from an alleged meeting, that are offered for the truth of the matter asserted, that was previously testified to at 25:3 - 25:23 and objected to herein. are previously objected to above. Deponent's answer at 26:17-26:19 relays out of court statements made by him and others at an alleged meeting, and those statements are offered for the truth of the matter asserted. The statements allegedly made by former PeopleSoft employees are not party admission as they were made prior to Oracle's acquisition of the company, and at a time when PeopleSoft's interests were adverse to Oracle's.	
Ravin, Seth <b>Oracle objects to the deposition testimony at: 41:13-41:18; 41:6-41:11.</b>	<u>FRE 802 - Hearsay.</u> The testimony relays out of court statements by the deponent, which are offered for the truth of the matter asserted.	
<b>Oracle objects to the deposition testimony at: 41:19-42:5.</b>	<u>FRE 602 - Calls for Speculation.</u> Deponent is speculating about what PeopleSoft's company-wide policy about what was "allowed" "for years."	
Ravin, Seth <b>Oracle objects to the deposition testimony at: 71:4-71:5; 71:9-71:13; 71:18-71:22.</b>	<u>FRE 802 - Hearsay; Foundation.</u> Deponent is testifying about out of court statements by SAP employees regarding Oracle, which are offered for the truth of the matter asserted. Witness admits he has no personal knowledge for testifying to such hearsay. Tr. at 71:16-71:17.	
<b>Oracle objects to the deposition testimony at: 71:4-71:5; 71:9-71:13; 71:18-71:23.</b>	<u>FRE 402 - Relevance; FRE 404 - Character Evidence; FRE 403 - Unduly Prejudicial.</u> Testimony about Oracle's "history of litigation" for "purposes of trying to stop a competitor" is improper character evidence offered to prove conformity therewith in the current action. Such testimony is also irrelevant to the issues to be resolved in this action.	
Ravin, Seth <b>Oracle objects to the deposition testimony at: 222:4-222:8; 224:14; 226:20-226:23; 227:7-</b>	<u>FRE 602 - Calls for Speculation; FRE 402 - Relevance; FRE 403 - Unduly Prejudicial.</u> Deponent has no basis for knowledge that the letter testified to was ever mailed to PeopleSoft, as he alleges.	

<i>Testimony</i>	<i>Oracle's Objections</i>	<i>Ruling</i>
<p data-bbox="105 233 553 302"><b>227:10; 227:20-227:23; 227:8-227:18; 228:24-230:8; 231:18-22.</b></p> <p data-bbox="105 1073 537 1247"><b>Oracle objects to the deposition testimony at: 223:23-224:9; 226:15-226:19; 226:24-227:6; 227:11-227:19; 227:24-228:6; 228:24-231:22; 232:12-17.</b></p> <p data-bbox="105 1486 537 1556"><b>Oracle objects to the deposition testimony at: 232:12-232:24.</b></p>	<p data-bbox="583 233 1274 596">Deponent admits the letter was “signed in Texas” and that he was only “told that it was mailed,” which is also inadmissible hearsay. Thus, all testimony based on the assumption of the letter being sent to PeopleSoft was made without personal knowledge as was based on inadmissible hearsay. The testimony is additionally unreliable as the referenced Exhibit 1324 is unsigned, and neither Oracle, Defendants, nor the deponent have ever located or produced a signed copy.</p> <p data-bbox="583 701 1258 915">Moreover, an allegation that Defendants sent PeopleSoft a letter in 2002 describing the alleged propriety of its business model is not relevant to any issue in this action, including liability or damages. Whether a letter has been sent is not probative of the fact or amount of damage, or as to causation.</p> <p data-bbox="583 1087 1274 1451"><u>FRE 1002 - Requirement of Original.</u> The testimony is offered to prove the contents of the referenced letter. To prove the content in the writing, Defendants are required to use the original document, not the proffered testimony. Attorney even notes on the record to reporter that “Just one second. Are you getting all this? Because he is reading pretty fast. Do you have a copy of the document to help review the transcript?” Oracle objects to the deposition testimony at: 228:19-228:23.</p> <p data-bbox="583 1520 1274 1883"><u>FRE 802 - Hearsay; FRE 402 - Relevance; FRE 403 - Unduly Prejudicial.</u> Deponent is testifying about alleged out of court statements made by others at an alleged meeting, and those statements are offered for the truth of the matter asserted. The statements allegedly made by former PeopleSoft employees are not party admission as they were made prior to Oracle’s acquisition of the company, and at a time when PeopleSoft’s interests were adverse to Oracle’s. Even if true, the statements are also not relevant</p>	

<i>Testimony</i>	<i>Oracle's Objections</i>	<i>Ruling</i>
<p><b>Oracle objects to the deposition testimony at: 233:4-233:10.</b></p> <p><b>Oracle objects to the deposition testimony at: 233:19-233:25; 234:9-234:23;</b></p>	<p>because they do not bear on any issues in this case, including whether Defendants are liable, or whether Defendants causes customers to leave. Finally, it would unduly prejudicial to admit unsubstantiated deposition testimony regarding accusations of market-fixing.</p> <p><u>FRE 802 - Hearsay.</u> Deponent is testifying about a previous statement he allegedly made in 2002, and that statement is being offered for the truth of the matter asserted.</p> <p><u>FRE 1002 - Requirement of Original.</u> The testimony is offered to prove the contents of the referenced letter. To prove the content in the writing, Defendants are required to use the original document, not the proffered testimony. Attorney even notes on the record to reporter that “Just one second. Are you getting all this? Because he is reading pretty fast. Do you have a copy of the document to help review the transcript?” Oracle objects to the deposition testimony at: 228:19-228:23.</p>	
<p>Ravin, Seth</p> <p><b>Oracle objects to the deposition testimony at: 236:3-236:8; 236:25-237:5; 237:9-12; 237:18-238:20; 239:20-240:4; 240:8-240:15; 240:20-241:2.</b></p> <p><b>Oracle objects to the deposition testimony at: 238:23-239:7</b></p> <p><b>Oracle objects to the deposition testimony at: 241:6-241:11.</b></p>	<p><u>FRE 1002 - Requirement of Original.</u> The testimony is offered to prove the contents of the referenced letter. To prove the content in the writing, Defendants are required to use the original document, not the preferred testimony.</p> <p><u>FRE 802 - Hearsay</u> Deponent is testifying to his prior statement, and an out of court response, both of which are out of court statements offered for the truth of the matter asserted.</p> <p><u>FRE 602 - Lack of Foundation</u> Deponent has no basis for knowing whether anyone at PeopleSoft may have contacted anyone at TomorrowNow, including Mr. Nelson.</p>	

<i>Testimony</i>	<i>Oracle's Objections</i>	<i>Ruling</i>
<b>Seth Ravin — 7/21/2010</b>		
Ravin, Seth <b>Oracle objects to the deposition testimony at: 346:3 - 346:16.</b>	<u>FRE 402 - Not Relevant; FRE 602 - Lack Of Foundation/Speculation.</u> The questions concern what the deponent knew about what someone else knew. These questions are not relevant to any issue in this case, and there is no evidence that the deponent has personal knowledge of this matter.	
Ravin, Seth <b>Oracle objects to the deposition testimony at: 348:3-10.</b>	<u>FRE 403 - Probative value outweighed by prejudice; FRE 402 - Not Relevant; Dkt 914 (P MIL 7).</u> This testimony was the specifically subject of Oracle's MIL 7, which the court granted. <i>See</i> Dkt 914 at 24:7 - 24:8. Furthermore, this testimony is not relevant to any issue in the case, and it is unduly prejudicial.	
Ravin, Seth <b>Oracle objects to the deposition testimony at: 350:5 - 351:1.</b>	<u>FRE 403 - Probative value outweighed by prejudice; FRE 402 - Not Relevant; FRE 802 - Hearsay; FRE 1002 - Best Evidence; Dkt 914 (P MIL 7).</u> This testimony was the subject of Oracle's MIL 7, which the court granted. <i>See</i> Dkt 914 at 24:7 - 24:8. Furthermore, this testimony is not relevant to any issue in the case, and it is unduly prejudicial. In addition, the testimony refers to the contents of a letter. To prove the contents of this writing, defendants are required to use the original. Finally, the testimony concerns a communication from Siebel (prior to the Oracle acquisition), and it is offered for the truth of the matter asserted. It is therefore hearsay and does not fall under any exception.	
Ravin, Seth <b>Oracle objects to the deposition testimony at: 351:19 - 352:2; 352:7 - 352:19.</b>	<u>FRE 403 - Probative value outweighed by prejudice; FRE 402 - Not Relevant; FRE 802 - Hearsay; FRE 1002 - Best Evidence; Dkt 914 (P MIL 7).</u> This testimony was Oracle's MIL 7, which the court granted. <i>See</i> Dkt 914 at 24:7 - 24:8. Furthermore, this testimony is not relevant to any issue in the case, and it is unfairly prejudicial. In addition, the testimony refers to the contents of letters. To prove the contents of these writings, defendants are required to use the original. Finally, the testimony concerns communication from Siebel (prior to the Oracle acquisition), and is offered for the truth of the matter asserted. It is therefore hearsay and does not fall under any exception.	
<b>Oracle objects to the deposition testimony at: 352:3 - 352:6.</b>	<u>FRE 403 - Probative value outweighed by prejudice; FRE 402 - Not Relevant.</u> This testimony is not relevant to any issue in the case, and is unfairly	

<i>Testimony</i>	<i>Oracle's Objections</i>	<i>Ruling</i>
	prejudicial.	
Ravin, Seth <b>Oracle objects to the deposition testimony at: 353:15-20.</b>	<u>FRE 403 - Probative value outweighed by prejudice; FRE 402 - Not Relevant; FRE 802 - Hearsay; FRE 1002 - Best Evidence; Dkt 914 (P MIL 7).</u> This testimony was Oracle's MIL 7, which the court granted. <i>See</i> Dkt 914 at 24:7 - 24:8. Furthermore, this testimony is not relevant to any issue in the case, and it is unfairly prejudicial. In addition, the testimony refers to statements made in letters. To prove the contents of these writings, defendants are required to use the originals. Finally, the testimony concerns communications from Siebel (prior to the Oracle acquisition), and is offered for the truth of the matter asserted. It is therefore hearsay and does not fall under any exception.	
Ravin, Seth <b>Oracle objects to the deposition testimony at: 354:6 -354:25; 355:7 - 355:14.</b>	<u>FRE 403 - Probative value outweighed by prejudice; FRE 402 - Not Relevant; FRE 802 - Hearsay; FRE 1002 - Best Evidence; Dkt 914 (P MIL 7).</u> This testimony was specifically moved on in Oracle's MIL 7, which the court granted. <i>See</i> Dkt 914 at 24:7 - 24:8. Furthermore, this testimony is not relevant to any issue in the case, and it is unfairly prejudicial. In addition, the testimony refers to statements made by Oracle and Rimini Street in a series of letters. To prove the contents of these writings, defendants are required to use the originals. Finally, the testimony concerns out of court statements and are offered for the truth of the matter asserted. It is therefore hearsay and does not fall under any exception.	
Ravin, Seth <b>Oracle objects to the deposition testimony at: 356:16 - 357:12.</b>	<u>FRE 403 - Probative value outweighed by prejudice; FRE 402 - Not Relevant; FRE 802 - Hearsay; FRE 1002 - Best Evidence; Dkt 914 (P MIL 7).</u> This testimony was specifically moved on in Oracle's MIL 7, which the court granted. <i>See</i> Dkt 914 at 24:7 - 24:8. Furthermore, this testimony is not relevant to any issue in the case, and it is unfairly prejudicial. In addition, the testimony refers to statements in a Rimini Street Press Release. To prove the contents of these writings, defendants are required to use the originals. Finally, the testimony concerns out of court statements and are offered for the truth of the matter asserted. It is therefore hearsay and does not fall under any exception.	
<b>Oracle objects to the deposition</b>	<u>FRE 602 - Lack Of Foundation; FRE 402 - Not</u>	

<i>Testimony</i>	<i>Oracle's Objections</i>	<i>Ruling</i>
testimony at: 357:19 - 358:11.	<u>Relevant; FRE 403 - Probative value outweighed by prejudice; FRE 802 - Hearsay; Dkt 914 (P MIL 7).</u> The deponent admits that he was not on the call he is then asked about. (357:13 - 357:17) As a result, the deponent has no personal knowledge of the matter. Furthermore, this testimony is not relevant to any issue in the case, and it is unfairly prejudicial. In addition, the testimony concerns out of court statements and are offered for the truth of the matter asserted. It is therefore hearsay and does not fall under any exception. Finally, the testimony was excluded by Oracle's MIL 7 as it relates to Rimini Street's allegations in that separate litigation.	
Ravin, Seth <b>Oracle objects to the deposition testimony at: 360:12 - 361:18.</b>	<u>FRE 402 - Not Relevant; FRE 403 - Probative value outweighed by prejudice; FRE 802 - Hearsay; Dkt 914 (P MIL 7).</u> The deponent admits that he was not on the call he is then asked about. (357:13 - 357:17) As a result, the deponent has no personal knowledge of the matter. Furthermore, this testimony is not relevant to any issue in the case, and it is unfairly prejudicial. In addition, the testimony concerns out of court statements and are offered for the truth of the matter asserted. It is therefore hearsay and does not fall under any exception. Finally, the testimony was excluded by Oracle's MIL 7 as it relates to Rimini Street's allegations in that separate litigation.	
<b>Elizabeth Shippy — 9/25/2008</b>		
Shippy, Elizabeth <b>Oracle objects to the deposition testimony at: 42:10 - 42:17.</b>	<u>FRE 802 - Hearsay.</u> The deponent testifies about out of court statements made by unnamed persons. These out of court statements are offered for the truth of the matter asserted, and do not fall within any exception.	
<b>Pete Surette — 6/16/2009</b>		
Surette, Peter <b>Oracle objects to the deposition testimony at: 30:6 - 30:19.</b>	<u>FRE 802 - Hearsay.</u> The deponent testifies about out of court statements made by unnamed persons. These out of court statements are offered for the truth of the matter asserted, and do not fall within any exception.	
Surette, Peter <b>Oracle objects to the deposition testimony at: 77:7 - 77:17.</b>	<u>FRE 802 - Hearsay.</u> The deponent testifies about out of court statements made by unnamed persons. These out of court statements are offered for the truth of the matter asserted, and do not fall within any exception.	



<i>Testimony</i>	<i>Oracle's Objections</i>	<i>Ruling</i>
<b>Robert Wasson (McLennan County) — 7/23/2009</b>		
Wasson, Robert [McLennan County] <b>Oracle objects to the deposition testimony at: 101:16 - 101:19.</b>	<u>Calls for legal conclusion; FRE 602 - Lack of Foundation.</u> The question asks whether the lay witness believes Rimini Street “infringes on Oracle’s intellectual property rights” and therefore calls for a legal conclusion. Witness lacks foundation to answer to legal question.	
Wasson, Robert [McLennan County] <b>Oracle objects to the deposition testimony at: 139:24 - 140:14.</b>	<u>FRE 402 - Not Relevant; Plaintiffs’ MIL 1.</u> Customer sought advice of counsel regarding its contract with TomorrowNow. This is irrelevant to any issue in the case. It also violates Plaintiffs’ Motion in Limine No. 1. Defendants stated in Court that “[they] do not plan to put in any evidence that evidences advice of counsel.” 9/30/10 Hrg Tr. at 8:18 - 8:19. The Court granted Plaintiffs’ MIL 1 “to the extent that <i>any witness</i> seeks to testify that he/she relied on advice of counsel with regard to TomorrowNow’s operational activities” (Dkt 914).	
Wasson, Robert [McLennan County] <b>Oracle objects to the deposition testimony at: 141:13 - 141:24.</b>	<u>FRE 402 - Not Relevant; Plaintiffs’ MIL 1.</u> Customer sought advice of counsel regarding its contract with TomorrowNow. This is irrelevant to any issue in the case. To the extent that it is relevant, it violates Plaintiffs’ Motion in Limine No. 1. Defendants stated in Court that “[they] do not plan to put in any evidence that evidences advice of counsel.” 9/30/10 Hrg Tr. at 8:18 - 8:19. The Court granted Plaintiffs’ MIL 1 “to the extent that <i>any witness</i> seeks to testify that he/she relied on advice of counsel with regard to TomorrowNow’s operational activities” (Dkt 914).	
Wasson, Robert [McLennan County] <b>Oracle objects to the deposition testimony at: 142:18 - 143:5.</b>	<u>Calls for legal conclusion.</u> Customer is asked to interpret the terms and conditions of its contract with TomorrowNow.	