

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BEFORE THE HONORABLE PHYLLIS J. HAMILTON, JUDGE

ORACLE CORPORATION, ET AL. )

PLAINTIFFS, )

VS. )

SAP AG, ET AL., )

DEFENDANTS. )

NO. C 07-01658 PJH

**Certified Copy**

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OAKLAND, CALIFORNIA  
WEDNESDAY, SEPTEMBER 30, 2010

TRANSCRIPT OF PROCEEDINGS

APPEARANCES:

FOR PLAINTIFFS:

BOIES, SCHILLER & FLEXNER, LLP  
1999 HARRISON STREET, SUITE 900  
OAKLAND, CALIFORNIA 94612  
BY: STEVEN C. HOLTZMAN, ATTORNEY AT LAW

BINGHAM MCCUTCHEN LLP  
THREE EMBARCADERO CENTER  
SAN FRANCISCO, CALIFORNIA 94111-4607  
BY: ZACHARY J. ALINDER,  
ANTHONY FALZONE,  
HOLLY A. HOUSE,  
GEOFFREY M. HOWARD,  
DONN P. PICKETT, ATTORNEYS AT LAW

FOR DEFENDANTS:

JONES DAY  
SILICON VALLEY OFFICE  
1755 EMBARCADERO ROAD  
PALO ALTO, CALIFORNIA 94303  
BY: THARAN GREGORY LANIER, ATTORNEY AT LAW

(APPEARANCES CONTINUED NEXT PAGE)

REPORTED BY: RAYNEE H. MERCADO, CSR NO. 8258

**RAYNEE H. MERCADO, CSR, RMR, CRR, FCRR, CCRR (510) 451-7530**

1 REALLY RELATE TO INDIVIDUAL CUSTOMERS. I DON'T THINK EITHER  
2 SIDE EXPECTS THAT WE'RE ACTUALLY GOING TO SPEAK ABOUT EVERY  
3 CUSTOMER AT ISSUE, BUT NEITHER OF US WANTS TO BE IN A POSITION  
4 WHERE IF THEY DECIDE TO CROSS MR. CLARKE, FOR EXAMPLE, WHY  
5 DOESN'T YOU CONSIDER CUSTOMER A, WE WANT TO HAVE THE MATERIALS  
6 READY AND AVAILABLE. BUT THAT'S A BIG CHUNK OF IT RIGHT THERE.

7 **THE COURT:** SURE. SURE.

8 **MR. LANIER:** SO WE'RE GOING TO TALK WITH THEM ABOUT  
9 SOME POSSIBILITIES TO AGREE EITHER NOT TO HAVE THEM ALL ON THE  
10 NEXT LIST THAT GOES TO YOUR HONOR AND BURDEN YOUR HONOR WITH NOT  
11 ONLY THE PILE BUT THE SEALING REQUESTS, IF ANY, ABOUT THAT.  
12 AND -- BETWEEN JUST AGREEING TO AN ITERATIVE LIST, LIKE YOU  
13 MENTIONED ABOUT THE WITNESSES.

14 **THE COURT:** NOW, SEALING REQUESTS, I HAVE NOT  
15 RECEIVED ANY REQUESTS TO CLOSE THE COURTROOM THROUGHOUT THE  
16 COURSE OF TRIAL, SO I DON'T SEE ANY BASIS FOR SEALING ANYTHING.  
17 I MEAN, A SEALED DOCUMENT IS ONE THAT'S NOT SHOWN IN THE LIGHT  
18 OF DAY IN THE OPEN-TO-THE-PUBLIC COURT. AND THIS TRIAL WILL BE  
19 A PUBLIC TRIAL. AND ANY DOCUMENTS THAT HAVE BEEN SEALED THUS  
20 FAR, IT WOULD BE MY INTENTION IF YOU MOVE THEM IN AS EVIDENCE OR  
21 USE THEM IN TRIAL, THEY'LL BE UNSEALED.

22 **MR. McDONELL:** YOUR HONOR, MAY I MAKE A COMMENT ON  
23 THAT? JASON MCDONELL SPEAKING.

24 HERE'S THE PRACTICAL PROBLEM. COUNSEL ALLUDED TO --  
25 AND WE'RE WORKING IN GOOD FAITH TO TRY TO SOLVE IT AND -- I

