UNITED STATES DISTRICT COURT	
NORTHERN DISTRICT OF CALIFORNIA	
BEFORE THE HONORABLE PHYLLIS J. HAMILTON, JUDGE	
ORACLE CORPORATION, ET AL.)	
PLAINTIFFS,)) NO. C 07-01658 PJH
VS.	Certified Copy
SAP AG, ET AL.,)) PAGES 1 - 124
DEFENDANTS.) OAKLAND, CALIFORNIA WEDNESDAY, SEPTEMBER 30, 2010
TRANSCRIPT OF PROCEEDINGS	
APPEARANCES:	
	BOIES, SCHILLER & FLEXNER, LLP 1999 HARRISON STREET, SUITE 900 OAKLAND, CALIFORNIA 94612 STEVEN C. HOLTZMAN, ATTORNEY AT LAW
. BY:	BINGHAM MCCUTCHEN LLP THREE EMBARCADERO CENTER SAN FRANCISCO, CALIFORNIA 94111-4607 ZACHARY J. ALINDER, ANTHONY FALZONE, HOLLY A. HOUSE, GEOFFREY M. HOWARD, DONN P. PICKETT, ATTORNEYS AT LAW
FOR DEFENDANTS: BY:	JONES DAY SILICON VALLEY OFFICE 1755 EMBARCADERO ROAD PALO ALTO, CALIFORNIA 94303 THARAN GREGORY LANIER, ATTORNEY AT LAW
(APPEARANCES CONTINUED NEXT PAGE)	
REPORTED BY: RA	AYNEE H. MERCADO, CSR NO. 8258

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

REALLY RELATE TO INDIVIDUAL CUSTOMERS. I DON'T THINK EITHER 1 SIDE EXPECTS THAT WE'RE ACTUALLY GOING TO SPEAK ABOUT EVERY 2 CUSTOMER AT ISSUE, BUT NEITHER OF US WANTS TO BE IN A POSITION 3 WHERE IF THEY DECIDE TO CROSS MR. CLARKE, FOR EXAMPLE, WHY 4 DOESN'T YOU CONSIDER CUSTOMER A, WE WANT TO HAVE THE MATERIALS 5 READY AND AVAILABLE. BUT THAT'S A BIG CHUNK OF IT RIGHT THERE. б THE COURT: SURE. SURE. 7 MR. LANIER: SO WE'RE GOING TO TALK WITH THEM ABOUT 8 SOME POSSIBILITIES TO AGREE EITHER NOT TO HAVE THEM ALL ON THE . 9 NEXT LIST THAT GOES TO YOUR HONOR AND BURDEN YOUR HONOR WITH NOT 10 ONLY THE PILE BUT THE SEALING REQUESTS, IF ANY, ABOUT THAT. 11 AND -- BETWEEN JUST AGREEING TO AN ITERATIVE LIST, LIKE YOU 12 MENTIONED ABOUT THE WITNESSES. 13 THE COURT: NOW, SEALING REQUESTS, I HAVE NOT 1.4 RECEIVED ANY REQUESTS TO CLOSE THE COURTROOM THROUGHOUT THE 15 COURSE OF TRIAL, SO I DON'T SEE ANY BASIS FOR SEALING ANYTHING. 16 I MEAN, A SEALED DOCUMENT IS ONE THAT'S NOT SHOWN IN THE LIGHT 17 OF DAY IN THE OPEN-TO-THE-PUBLIC COURT. AND THIS TRIAL WILL BE 18 A PUBLIC TRIAL. AND ANY DOCUMENTS THAT HAVE BEEN SEALED THUS 19 FAR, IT WOULD BE MY INTENTION IF YOU MOVE THEM IN AS EVIDENCE OR 20 USE THEM IN TRIAL, THEY'LL BE UNSEALED. 21 MR. MCDONELL: YOUR HONOR, MAY I MAKE A COMMENT ON 22 THAT? JASON MCDONELL SPEAKING. 23 HERE'S THE PRACTICAL PROBLEM. COUNSEL ALLUDED TO --24 AND WE'RE WORKING IN GOOD FAITH TO TRY TO SOLVE IT AND -- I

25

?

CERTIFICATE OF REPORTER

I, RAYNEE H. MERCADO, OFFICIAL REPORTER FOR THE UNITED STATES COURT, NORTHERN DISTRICT OF CALIFORNIA, HEREBY CERTIFY THAT THE FOREGOING PROCEEDINGS IN CO7-01658 PJH, ORACLE CORPORATION, ET AL. V. SAP AG, ET AL., WERE REPORTED BY ME, A CERTIFIED SHORTHAND REPORTER, AND WERE THEREAFTER TRANSCRIBED UNDER MY DIRECTION INTO TYPEWRITING; THAT THE FOREGOING IS A FULL, COMPLETE AND TRUE RECORD OF SAID PROCEEDINGS AS BOUND BY ME AT THE TIME OF FILING.

THE VALIDITY OF THE REPORTER'S CERTIFICATION OF SAID TRANSCRIPT MAY BE VOID UPON DISASSEMBLY AND/OR REMOVAL FROM THE COURT FILE.

Payner J. Merado

RAYNEE H. MERCADO, CSR, RMR, CRR, FCRR, CCRR MONDAY, OCTOBER 4, 2010