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19 UNITED STATES DISTRICT COURT

20 NORTHERN DISTRICT OF CALIFORNIA

21 OAKLAND DIVISION

22 ORACLE USA, INC., et al.,

23 Plaintiffs,

24 v.

25 SAP AG, et al.,

26 Defendants.

Case No. 07-CV-1658 PJH (EDL)

**DEFENDANTS' RESPONSES TO
 ORACLE'S OBJECTIONS TO
 DEFENDANTS' DEPOSITION
 DESIGNATIONS**

1 Pursuant to the Court's Pretrial Order (Dkt. 914), attached as Exhibit "A" is a chart of
2 Defendants' Responses to Oracle's Objections to Defendants' Deposition Designations (Dkt. 943).
3 Oracle has requested that Defendants avoid the public filing of the testimony to which Oracle is
4 objecting. Therefore, Defendants are publicly filing the attached chart with only citations to the
5 disputed deposition designations and is separately lodging the proposed testimony. Moreover,
6 Defendants are submitting true and correct copies of three potential trial exhibits in support of
7 Defendants' responses, and, at Oracle's request, these three exhibits are also being lodged with
8 the Court and not publicly filed at this time. If the Court sustains any of Oracle's objections,
9 Oracle has agreed to subsequently file the testimony and any excluded evidence to preserve the
10 appellate record.

11 Defendants have not changed or altered any of the objections contained in Oracle's
12 Objections and have inserted their Responses in the adjacent column. Defendants make no
13 representations regarding the cited testimony or any emphasis added by Oracle in its objections.

14 The parties have agreed that neither party's objections to the other party's deposition
15 designations include objections on the basis of hearsay founded on the assertion that the deponent
16 is actually available. Rather, the parties' hearsay objections are based on the specific portions of
17 the deposition testimony noted in the objections.

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19 Dated: October 27, 2010

JONES DAY

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21 By: /s/ Scott W. Cowan
22 Scott W. Cowan

23 Counsel for Defendants
24 SAP AG, SAP AMERICA, INC., and
25 TOMORROWNOW, INC.
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