

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**CIVIL MINUTES**

**Date: November 4, 2010** (Time: 4 hour 27 minutes)

**JUDGE: Phyllis J. Hamilton**

**Case No: C-07-1658 PJH**

**Case Name: Oracle Corporation, et al. v. SAP AG, et al.**

**Attorney(s) for Plaintiff: Geoffrey Howard; Donn Pickett; Zachary Alinder;  
Steven Holtzman; Holly House; David Boies**

**Attorney(s) for Defendant: Tharan Gregory Lanier; Jacqueline Lee;  
Robert Mittelstaedt**

**Deputy Clerk: Nichole Heuerman**

**Court Reporter: Raynee Mercado and  
Diane Skillman**

**PROCEEDINGS**

Jury Trial (day 2)-Held. See attached exhibit and witness list.

**CASE CONTINUED TO: November 5, 2010 at 8:30 a.m. for Jury Trial (day 3).**

**cc: chambers**

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Case Name: Oracle USA, et al. v. SAP AG, et al.

**EXHIBIT and WITNESS LIST**

<b>JUDGE</b> Phyllis J. Hamilton	<b>PLAINTIFF ATTORNEY:</b> Geoffrey Howard; Donn Pickett; Zachary Alinder; Steven Holtzman; Holly House; David Boies	<b>DEFENSE ATTORNEY:</b> Tharan Gregory Lanier; Jacqueline Lee; Robert Mittelstaedt
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<b>JURY SELECTION: 11/1/10</b> <b>TRIAL DATE:</b>	<b>REPORTER(S):</b> <u>Raynee Mercado and Diane Skillman</u>	<b>CLERK:</b> Nichole Heuerman
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PLF NO.	DEF NO	DATE/TIME OFFERED	ID	EVI. REC	DESCRIPTION	BY
					<b><u>Thursday November 4, 2010</u></b>	
		<u>8:10 a.m.</u>			<u>the court is back in session; the court discusses issues with the parties in camera</u>	
		<u>8:16 a.m.</u>			<u>the court is back on the public record and discusses preliminary issues with the parties</u>	
		<u>8:43 a.m.</u>			<u>the jury is now present</u>	
		<u>8:43 a.m.</u>			<u>the court informs the jury that no further testimony is necessary for Mr. Ritchie</u>	
		<u>8:44 a.m.</u>			<u>plaintiffs' call fourth witness Thomas Ziemer by video deposition</u>	
<u>12</u>		<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 12</u>	
<u>43</u>		<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 43</u>	
<u>106</u>		<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 106</u>	
<u>161</u>		<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 161</u>	
<u>177</u>		<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 177</u>	
<u>267</u>		<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 267</u>	
<u>380</u>		<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 380</u>	
<u>404</u>		<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 404</u>	
		<u>9:25 a.m.</u>			<u>plaintiffs' call fifth witness Charles Phillips</u>	
<u>4811</u>		<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 4811</u>	
		<u>10:01 a.m.</u>			<u>cross examination of Mr. Phillips</u>	

	<u>A-278</u>	<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-278</u>
		<u>10:19</u>			<u>the court takes a 15 minute break</u>
		<u>10:37 a.m.</u>			<u>the court is back in session; continued cross examination of Mr. Phillips</u>
	<u>A-277</u>	<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-277</u>
	<u>A-281</u>	<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-281</u>
	<u>A-6084</u>	<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-6084</u>
	<u>A-6085</u>	<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-6085</u>
		<u>11:07 a.m.</u>			<u>re-direct examination of Mr. Phillips</u>
		<u>11:10 a.m.</u>			<u>Mr. Phillips is excused</u>
		<u>11:11 a.m.</u>			<u>plaintiffs' calls sixth witness Shai Agassi by video deposition</u>
<u>3</u>		<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 3</u>
<u>6</u>		<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 6</u>
<u>8</u>		<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 8</u>
<u>10</u>		<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 10</u>
<u>18</u>		<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 18</u>
<u>22</u>		<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 22</u>
<u>24</u>		<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 24</u>
<u>127</u>		<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 127</u>
<u>154</u>		<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 154</u>
<u>157</u>		<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 157</u>
<u>183</u>		<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 183</u>
		<u>11:47 a.m.</u>			<u>plaintiffs' call seventh witness John Zepeke</u>
					<u>plaintiffs' exhibits 6 and 12 already marked and admitted used in conjunction with this witness</u>
<u>11</u>		<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 11</u>
<u>19</u>		<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 19</u>
<u>15</u>		<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 15</u>

<u>7</u>		<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 7</u>
<u>14</u>		<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 14</u>
		<u>12:15 p.m.</u>			<u>the court takes a 15 minute break</u>
		<u>12:35 p.m.</u>			<u>the court is back in session; continued direct examination of Mr. Zepeki</u>
		<u>12:47 p.m.</u>			<u>cross examination of Mr. Zepeki</u>
		<u>12:57 p.m.</u>			<u>re-direct examination of Mr. Zepeki</u>
		<u>12:59 p.m.</u>			<u>Mr. Zepeki is excused</u>
		<u>1:00 p.m.</u>			<u>plaintiffs' call eighth witness Gerhard Oswald by video deposition</u>
					<u>plaintiffs' exhibits 3, 8, 12, 24, 161 and 267 already marked and admitted used in conjunction with this witness</u>
<u>35</u>		<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 35</u>
<u>133</u>		<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 133</u>
<u>141</u>		<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 141</u>
<u>151</u>		<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 151</u>
<u>156</u>		<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 156</u>
<u>245</u>		<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 245</u>
<u>435</u>		<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 435</u>
		<u>1:25 p.m.</u>			<u>the jury is excused for the day</u>
		<u>1:26 p.m.</u>			<u>the court discusses issues regarding jury instructions</u>
		<u>1:27 p.m.</u>			<u>the court is adjourned for the day</u>