

EXHIBIT A

No.	Date	Exhibit No.	Description of Exhibit From Exhibit List	Objection (Party and Brief Statement)	Response (Party and Brief Statement)
1	11/4/2010	PTX 0009	Email from James Mackey to Arlen Shenkman re TomorrowNow meeting next week	FRE 401-403 - Exhibit is not relevant, unfairly prejudicial, confusing and a waste of time, as it is only relevant to contributory infringement (not damages) and goes beyond what is necessary to provide appropriate context pursuant to the Court's October 28, 2010 Minute Order (ECF No. 952)	This document is probative of the value Defendants placed on Oracle's intellectual property prior to and at the time of the acquisition of TomorrowNow (and the hypothetical license negotiation), as it goes to Defendants' awareness of the infringement and the risk of liability. See, e.g., <i>Georgia-Pacific</i> , 318 F. Supp. 1116, 1123, 1131 (S.D.N.Y. 1970) (decision to "assume substantial risks and costs in order to make and sell" the infringing product indicates infringer "would have been willing to pay a substantial royalty"); <i>Gyromat Corp.</i> , 735 F.2d 549, 552 (Fed. Cir. 1984) ("decision to risk infringement liability" indicates the value it placed on the patented features"); <i>Pentech</i> , 931 F. Supp. 1167, 1175 (S.D.N.Y. 1996) ("the fact that [the defendant] would risk the expense of a law suit implies the product is valuable"). The probative value as to damages outweighs any prejudice to Defendants. Moreover, the testimony appropriately provides context for Oracle's claims, as it relates to basic facts the jury is entitled to hear in order to understand to what conduct it
2	11/4/2010	PTX 0014	Email from John Zepecki to Arlen Shenkman, Torsten Geers, James Mackey re TN Overview	FRE 401-403 - Exhibit is not relevant, unfairly prejudicial, confusing and a waste of time, as it is only relevant to contributory infringement (not damages) and goes beyond what is necessary to provide appropriate context pursuant to the Court's October 28, 2010 Minute Order (ECF No. 952)	See # 1 above, incorporated by reference here. Specifically, this document is relevant to SAP's knowledge of the potential risk of litigation by Oracle at the time of the TomorrowNow acquisition re risk of legal liability needing to be called out more explicitly in Board presentation.

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3	11/4/2010	PTX 0035	Email from Thomas Ziemmen to Lars Lamade re Risk Management for TN?!	FRE 401-403 - Exhibit is not relevant, unfairly prejudicial, confusing and a waste of time, as it is only relevant to contributory infringement (not damages) and goes beyond what is necessary to provide appropriate context pursuant to the Court's October 28, 2010 Minute Order (ECF No. 952)	See # 1 above, incorporated by reference here. Specifically, this document is relevant to SAP's knowledge of the potential risk of infringement during its risk management process. "I think we have a general Portfolio Risk with TN, since the whole business model is based on a marginal legal area."
4	11/4/2010	PTX 0108	Email from John Zepecki to Arlen Sherkmann re TN meeting Tuesday	FRE 401-403 - Exhibit is not relevant, unfairly prejudicial, confusing and a waste of time, as it is only relevant to contributory infringement (not damages) and goes beyond what is necessary to provide appropriate context pursuant to the Court's October 28, 2010 Minute Order (ECF No. 952)	See # 1 above, incorporated by reference here. Specifically, this document is relevant to SAP's knowledge of the potential risk of infringement during its due diligence process.
5	11/4/2010	PTX 0226	Email from Florence Henemann to Florence Henemann re TNow info/guideline update	FRE 401-403 - Exhibit is not relevant, unfairly prejudicial, confusing and a waste of time, as it is only relevant to contributory infringement (not damages) and goes beyond what is necessary to provide appropriate context pursuant to the Court's October 28, 2010 Minute Order (ECF No. 952)	Oracle withdraws this exhibit.
6	11/4/2010	PTX 0430	Mandy Wheeler appointment reminder re updated with Thomas	Defendants' Motion in Limine No. 9 -- reference to EBS and Hyperion	Oracle agrees to redact references to EBS and Hyperion and has sent an exhibit with proposed redactions.
7	11/4/2010	PTX 1723	FRE 1006 Summary - Top 10 Environments Used to Support Multiple Customers (Referenced on page 91 of Appendices to Mandia Report - Review of SAP TN - Supplemented on 5/12/10)	FRE 703; FRE 403; Hearsay; Improper summary under FRE 1006; No foundation	Oracle withdraws this exhibit.

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8	11/4/2010	PTX 1792	SAP-TN CD binders and other media in custody of Jones Day	Overly broad, imprecise, and unduly burdensome; To the extent Oracle intends to offer any specific media or data as an exhibit, Defendants request immediate identification of the media and reserve all rights associated with such identification and exchange	Please identify specific media to which you object.