

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

CIVIL MINUTES

Date: November 5, 2010 (Time: 4 hour 50 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**

Interpreter: Arianna Schneider-Stocking (German)

PROCEEDINGS

Jury Trial (day 3)-Held. See attached exhibit and witness list.

CASE CONTINUED TO: November 8, 2010 at 8:30 a.m. for Jury Trial (day 4).

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Case No: C-07-1658 PJH

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

EXHIBIT and WITNESS LIST

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| JUDGE Phyllis J. Hamilton | PLAINTIFF ATTORNEY: Geoffrey Howard; Donn Pickett; Zachary Alinder; Steven Holtzman; Holly House; David Boies | DEFENSE ATTORNEY: Tharan Gregory Lanier; Jacqueline Lee; Robert Mittelstaedt |
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| JURY SELECTION: 11/1/10 TRIAL DATE: | REPORTER(S): <u>Raynee Mercado and Diane Skillman</u> | CLERK: Nichole Heuerman |
|--|---|-----------------------------------|

| PLF NO. | DEF NO | DATE/TIME OFFERED | ID | EVI. REC | DESCRIPTION | BY |
|-------------|---------------|-------------------|----------|----------|---|----|
| | | | | | <u>Friday November 5, 2010</u> | |
| | | <u>8:22 a.m.</u> | | | <u>the court is back in session; the court handles preliminary issues with the parties</u> | |
| | | <u>8:30 a.m.</u> | | | <u>the jury is now present; continued video deposition of Mr. Oswald</u> | |
| | | <u>9:06 a.m.</u> | | | <u>plaintiffs' calls ninth witness Gregory Nelson by video deposition</u> | |
| <u>299</u> | | <u>11/5/10</u> | <u>x</u> | <u>x</u> | <u>plaintiffs' exhibit 299</u> | |
| <u>353</u> | | <u>11/5/10</u> | <u>x</u> | <u>x</u> | <u>plaintiffs' exhibit 353</u> | |
| | <u>A-1578</u> | <u>11/5/10</u> | <u>x</u> | <u>x</u> | <u>defendants' exhibit</u> | |
| | | <u>9:20 a.m.</u> | | | <u>plaintiffs' call tenth witness Richard Allison</u> | |
| <u>2841</u> | | <u>11/5/10</u> | <u>x</u> | <u>x</u> | <u>plaintiffs' exhibit 2841</u> | |
| | | <u>9:31 a.m.</u> | | | <u>cross examination of Mr. Allison</u> | |
| | | <u>9:44 a.m.</u> | | | <u>re-direct examination of Mr. Allison</u> | |
| | | <u>9:44 a.m.</u> | | | <u>Mr. Allison is excused</u> | |
| | | <u>9:45 a.m.</u> | | | <u>plaintiffs' call eleventh witness John Baugh by video deposition</u> | |
| <u>504</u> | | <u>11/5/10</u> | <u>x</u> | <u>x</u> | <u>plaintiffs' exhibit 504</u> | |
| <u>475</u> | | <u>11/5/10</u> | <u>x</u> | <u>x</u> | <u>plaintiffs' exhibit 475</u> | |
| | | <u>10:10 a.m.</u> | | | <u>the court takes a 15 minute break</u> | |
| | | <u>10:27 a.m.</u> | | | <u>plaintiffs' call twelfth witness Werner Brandt-assisted by German Interpreter Arriana Schenider-Stocking</u> | |

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| | | | | | <u>plaintiffs' exhibits 154 and 156 already marked an admitted used in conjunction with this witness</u> |
| <u>1</u> | | <u>11/5/10</u> | <u>x</u> | <u>x</u> | <u>plaintiffs' exhibit 1</u> |
| <u>2</u> | | <u>11/5/10</u> | <u>x</u> | <u>x</u> | <u>plaintiffs' exhibit 2</u> |
| <u>5</u> | | <u>11/5/10</u> | <u>x</u> | <u>x</u> | <u>plaintiffs' exhibit 5</u> |
| <u>20</u> | | <u>11/5/10</u> | <u>x</u> | <u>x</u> | <u>plaintiffs' exhibit 20</u> |
| <u>27</u> | | <u>11/5/10</u> | <u>x</u> | <u>x</u> | <u>plaintiffs' exhibit 27</u> |
| <u>36</u> | | <u>11/5/10</u> | <u>x</u> | <u>x</u> | <u>plaintiffs' exhibit 36</u> |
| <u>44</u> | | <u>11/5/10</u> | <u>x</u> | <u>x</u> | <u>plaintiffs' exhibit 44</u> |
| <u>53</u> | | <u>11/5/10</u> | <u>x</u> | <u>x</u> | <u>plaintiffs' exhibit 53</u> |
| <u>112</u> | | <u>11/5/10</u> | <u>x</u> | <u>x</u> | <u>plaintiffs' exhibit 112</u> |
| <u>121</u> | | <u>11/5/10</u> | <u>x</u> | <u>x</u> | <u>plaintiffs' exhibit 121</u> |
| <u>139</u> | | <u>11/5/10</u> | <u>x</u> | <u>x</u> | <u>plaintiffs' exhibit 139</u> |
| <u>171</u> | | <u>11/5/10</u> | <u>x</u> | <u>x</u> | <u>plaintiffs' exhibit 171</u> |
| <u>266</u> | | <u>11/5/10</u> | <u>x</u> | <u>x</u> | <u>plaintiffs' exhibit 266</u> |
| | | <u>12:49 p.m.</u> | | | <u>cross examination of Mr. Brandt</u> |
| | | | | | <u>plaintiffs' exhibits 24, 12 and 19 already marked and admitted used in conjunction with this witness</u> |
| | <u>A-4027</u> | <u>11/5/10</u> | <u>x</u> | <u>x</u> | <u>defendants' exhibit A-4027</u> |
| <u>27</u> | <u>A-19</u> | <u>11/5/10</u> | <u>x</u> | <u>x</u> | <u>plaintiffs' exhibit 27 and defendants' exhibit A-19 (same document)</u> |
| | | <u>1:13 p.m.</u> | | | <u>re-direct examination of Mr. Brandt</u> |
| | | <u>1:28 p.m.</u> | | | <u>Mr. Brandt is excused</u> |
| | | <u>1:30 p.m.</u> | | | <u>the jury is released for the day</u> |
| | | <u>1:30 p.m.</u> | | | <u>the court discussed time limits and witnesses for Monday with the parties</u> |
| | | <u>1:42 p.m.</u> | | | <u>the court is adjourned for the day</u> |