

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

CIVIL MINUTES

Date: November 8, 2010 (Time: 4 hour 28 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 4)-Held.

Defendants' Motion to Enforce Order Excluding Evidence and Argument of Lost Cross-Sell and Up-Sell Opportunities and Goodwill is GRANTED (docket # 975).

Defendants' Motion to Exclude Evidence Related Solely to Contributory Infringement is DENIED (docket # 974).

See attached exhibit and witness list.

CASE CONTINUED TO: November 9, 2010 at 8:30 a.m. for Jury Trial (day 5).

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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

EXHIBIT and WITNESS LIST

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
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PLF NO.	DEF NO	DATE/TIME OFFERED	ID	EVI. REC	DESCRIPTION	BY
					<u>Monday November 8, 2010</u>	
		<u>8:31 a.m.</u>			<u>the court is back in session</u>	
		<u>8:31 a.m.</u>			<u>plaintiffs' call thirteenth witness Terry Hurst by video deposition</u>	
<u>193</u>		<u>11/8/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 193</u>	
<u>958</u>		<u>11/8/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 958</u>	
		<u>8:53 a.m.</u>			<u>plaintiffs' call fourteenth witness Lawrence Ellison</u>	
		<u>9:09 a.m.</u>			<u>cross examination of Mr. Ellison</u>	
	<u>A-4319</u>	<u>11/8/10</u>	<u>x</u>		<u>defendants' exhibit A-4319</u>	
	<u>A-421</u>	<u>11/8/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-421</u>	
	<u>A-4089</u>	<u>11/8/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-4089</u>	
	<u>A-4090</u>	<u>11/8/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-4090</u>	
	<u>A-9330</u>	<u>11/8/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-9330</u>	
		<u>9:42 a.m.</u>			<u>re-direct examination of Mr. Ellison</u>	
		<u>9:44 a.m.</u>			<u>re-cross examination of Mr. Ellison</u>	
		<u>9:47 a.m.</u>			<u>re-direct examination of Mr. Ellison</u>	
		<u>9:49 a.m.</u>			<u>Mr. Ellison is excused</u>	
		<u>9:50 a.m.</u>			<u>the jury takes a break</u>	
		<u>9:50 a.m.</u>			<u>the court hears argument regarding defendants' motions</u>	

		<u>10:30 a.m.</u>			<u>the court takes a 15 minutes break</u>
		<u>10:47 a.m.</u>			<u>the jury is now present and the court is back in session</u>
		<u>10:47 a.m.</u>			<u>plaintiffs' call fifteenth witness Safra Catz</u>
<u>1001</u>		<u>11/8/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 1001</u>
<u>1002</u>		<u>11/8/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 1002</u>
<u>1003</u>		<u>11/8/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 1003</u>
<u>1004</u>		<u>11/8/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 1004</u>
<u>1005</u>		<u>11/8/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 1005</u>
<u>1008</u>		<u>11/8/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 1008</u>
<u>1009</u>		<u>11/8/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 1009</u>
<u>1012</u>		<u>11/8/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 1012</u>
<u>4809</u>		<u>11/8/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 4809</u>
<u>614</u>		<u>11/8/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 614</u>
<u>615</u>		<u>11/8/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 615</u>
<u>13</u>		<u>11/8/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 13</u>
<u>658</u>		<u>11/8/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 658</u>
		<u>11:31 a.m.</u>			<u>cross examination of Ms. Catz</u>
					<u>defendants' exhibit A-277 already marked and admitted used in conjunction with this witness</u>
<u>A-229</u>		<u>11/8/10</u>	<u>x</u>		<u>defendants' exhibit A-229</u>
		<u>11:53 a.m.</u>			<u>re-direct examination of Ms. Catz</u>
		<u>11:54 a.m.</u>			<u>Ms. Catz is excused</u>
		<u>11:54 a.m.</u>			<u>the court takes a 15 minute break</u>
		<u>12:13 p.m.</u>			<u>the court is back in session; plaintiffs' call sixteenth witness Paul Meyer</u>
					<u>plaintiffs' exhibits 141 and 171 already marked and admitted used in conjunction with this witness</u>
<u>23</u>		<u>11/8/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 23</u>
<u>37</u>		<u>11/8/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 37</u>
<u>97</u>		<u>11/8/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 97</u>
<u>269</u>		<u>11/8/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 269</u>

<u>583</u>		<u>11/8/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 583</u>	
<u>602</u>		<u>11/8/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 602</u>	
<u>653</u>		<u>11/8/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 653</u>	
<u>680</u>		<u>11/8/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 680</u>	
<u>958</u>		<u>11/8/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 958</u>	
<u>960</u>		<u>11/8/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 960</u>	
<u>984</u>		<u>11/8/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 984</u>	
<u>4814</u>		<u>11/8/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 4814</u>	
		<u>1:32 p.m.</u>			<u>the jury is excused for the day</u>	
		<u>1:33 p.m.</u>			<u>the court is adjourned for the day</u>	