

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

CIVIL MINUTES

Date: November 9, 2010 (Time: 5 hour 13 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 5)-Held. See attached exhibit and witness list.

CASE CONTINUED TO: November 12, 2010 at 8:30 a.m. for Jury Trial (day 6).

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

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>Tuesday November 9, 2010</u>	
		<u>8:17 a.m.</u>			<u>the court is back in session</u>	
		<u>8:17 a.m.</u>			<u>plaintiffs' read stipulated evidence into the record; the deposition excerpts show to the jury in opening statements are admitted into evidence and shall be marked with exhibit numbers</u>	
					<u>plaintiffs' exhibits 28, 4819, 25 and the parties joint exhibits 1, 2, 3, 4 and 5 are all admitted into evidence; plaintiffs' 6 discovery responses marked as plaintiffs' exhibits 1460, 1487, 1567, 1568, 1647, 1698 are admitted into evidence (exhibits to be redacted to remove defendants' objections)</u>	
		<u>8:25 a.m.</u>			<u>defendants' exhibits A-367, A-371, A-372, A-373, A-374, A-6038, A-6190 and A-229 are admitted into evidence</u>	
		<u>8:27 a.m.</u>			<u>counsel submit jointly prepared pretrial facts to be read to the jury</u>	
		<u>8:30 a.m.</u>			<u>the court hears argument regarding competing curative instruction to be read to the jury</u>	
		<u>8:42 a.m.</u>			<u>the jury is present</u>	
		<u>8:42 a.m.</u>			<u>continued direct examination of Mr. Meyer</u>	
					<u>plaintiffs' exhibits 6, 12, 4814, 141, 23, 24, 161, 4811, 245, 958 and 37 already marked and admitted, used in conjunction with this witness</u>	
		<u>10:17 a.m.</u>			<u>the jury takes a break</u>	

		<u>10:18 a.m.</u>			<u>out of the presence of the jury the court informs the parties which limiting instruction will be used re:</u>
		<u>10:22 a.m.</u>			<u>the court takes a 15 minute break</u>
		<u>10:37 a.m.</u>			<u>the court is back in session</u>
		<u>10:37 a.m.</u>			<u>continued direct examination of Mr. Meyer; the demonstrative exhibits used in conjunction with Mr. Meyer's testimony are admitted into evidence; counsel to mark with exhibit numbers</u>
		<u>10:48 a.m.</u>			<u>the court reads an instruction to the jury</u>
		<u>10:49 a.m.</u>			<u>cross examination of Mr. Meyer</u>
	<u>A-9332</u>	<u>11/9/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-9332</u>
		<u>12:16 p.m.</u>			<u>the court takes a 15 minute break</u>
		<u>12:32 p.m.</u>			<u>the court is back in session; continued cross examination of Mr. Meyer</u>
	<u>A-2031</u>	<u>11/9/10</u>	<u>x</u>		<u>defendants' exhibit A-2031</u>
	<u>A-441</u>	<u>11/9/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-44</u>
	<u>A-6036</u>	<u>11/9/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-6036</u>
	<u>A-303</u>	<u>11/9/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-303</u>
					<u>defendants' exhibits A-421, A-277, A-4089, A-347, A-4090, A-367 and A-371 already marked and admitted and used in conjunction with this witness</u>
	<u>A-451</u>	<u>11/9/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-451</u>
		<u>1:30 p.m.</u>			<u>the jury is excused for the day</u>
		<u>1:30 p.m.</u>			<u>the court discusses admissibility of emails with the parties</u>
		<u>1:37 p.m.</u>			<u>the court hears further argument regarding curative instruction; the parties to submit further suggestions to the court by tomorrow 11/10/10</u>
		<u>2:00 p.m.</u>			<u>the court is adjourned for the day</u>