

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

CIVIL MINUTES

Date: November 12, 2010 (Time: 4 hour 52 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 6)-Held. See attached exhibit and witness list.

CASE CONTINUED TO: November 15, 2010 at 8:30 a.m. for Jury Trial (day 7).

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>Friday November 12, 2010</u>	
		<u>8:11 a.m.</u>			<u>the court is back in session out of the presence of the jury</u>	
		<u>8:11 a.m.</u>			<u>the court discusses evidentiary issues with the parties; further discussion regarding curative instruction; further discussion regarding admissibility of emails; the court re-visits the admissibility of exhibits A-451 which remains in evidence; plaintiffs' exhibit 432 is admitted into evidence; defendants' admit stipulated exhibits to be used in conjunction with cross examination of Mr. Meyer</u>	
<u>432</u>		<u>11/12/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 432</u>	
	<u>A-2049</u>	<u>11/12/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-2049</u>	
	<u>A-9333</u>	<u>11/12/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-9333</u>	
	<u>A-9335</u>	<u>11/12/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-9335</u>	
	<u>A-9340</u>	<u>11/12/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-9340</u>	
		<u>8:41 a.m.</u>			<u>the jury is now present</u>	
		<u>8:42 a.m.</u>			<u>continued cross examination of Mr. Meyer</u>	
					<u>plaintiffs' exhibits 121, 24 and 112 already marked and admitted used in conjunction with this witness</u>	
	<u>A-9334</u>	<u>11/12/10</u>	<u>x</u>		<u>defendants' exhibit A-9334</u>	
		<u>10:19 a.m.</u>			<u>the court takes a 15 minute break</u>	
		<u>10:32 a.m.</u>			<u>court is back in session out of the presence of the jury</u>	

		<u>10:32 a.m.</u>			<u>the court discusses plaintiffs' request for a curative instruction</u>
		<u>10:35 a.m.</u>			<u>the jury is now present</u>
	<u>A-9341</u>	<u>11/12/10</u>	<u>x</u>		<u>defendants' exhibit A-9341</u>
		<u>10:57 a.m.</u>			<u>re-direct examination of Mr. Meyer</u>
					<u>plaintiffs' exhibits 4814, 12 and defendants' A-374, A-277 and A-432 already marked and admitted and used in conjunction with this witness</u>
<u>42</u>		<u>11/12/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 42</u>
		<u>11:39 a.m.</u>			<u>re-cross examination of Mr. Meyer</u>
	<u>A-9329</u>	<u>11/12/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-9329-admitted for the purpose of explaining experts reliance</u>
		<u>12:03 p.m.</u>			<u>re-direct examination of Mr. Meyer</u>
		<u>12:08 p.m.</u>			<u>re-cross examination of Mr. Meyer</u>
		<u>12:11 p.m.</u>			<u>the jury takes a break</u>
		<u>12:11 p.m.</u>			<u>the court discusses curative instruction issue with the parties</u>
		<u>12:14 p.m.</u>			<u>the court takes a 15 minute break</u>
		<u>12:31 p.m.</u>			<u>the court is back in session; plaintiffs' call seventeenth witness Kevin Mandia</u>
<u>760</u>		<u>11/12/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 760</u>
		<u>12:56 p.m.</u>			<u>cross examination of Mr. Mandia</u>
	<u>A-9336</u>	<u>11/12/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-9336</u>
	<u>A-9337</u>	<u>11/12/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-9337</u>
		<u>1:14 p.m.</u>			<u>re-direct examination of Mr. Mandia</u>
		<u>1:16 p.m.</u>			<u>re-cross examination of Mr. Mandia</u>
		<u>1:22 p.m.</u>			<u>re-direct examination of Mr. Mandia</u>
		<u>1:22 p.m.</u>			<u>Mr. Mandia is excused</u>
		<u>1:23 p.m.</u>			<u>plaintiffs' call eighteenth witness Henning Kagermann by video deposition</u>
<u>461</u>		<u>11/12/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 461</u>
<u>443</u>		<u>11/12/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 443</u>

<u>180</u>		<u>11/12/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 180</u>	
<u>294</u>		<u>11/12/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 294</u>	
<u>332</u>		<u>11/12/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 332</u>	
<u>4818</u>		<u>11/12/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 4818</u>	
<u>19</u>		<u>11/12/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 19</u>	
<u>948</u>		<u>11/12/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 948</u>	
					<u>plaintiffs' exhibits 44, 171 and 4814 already marked and admitted used in conjunction with this witness</u>	
		<u>1:30 p.m.</u>			<u>the jury is released for the day</u>	
		<u>1:33 p.m.</u>			<u>the court is adjourned for the day</u>	