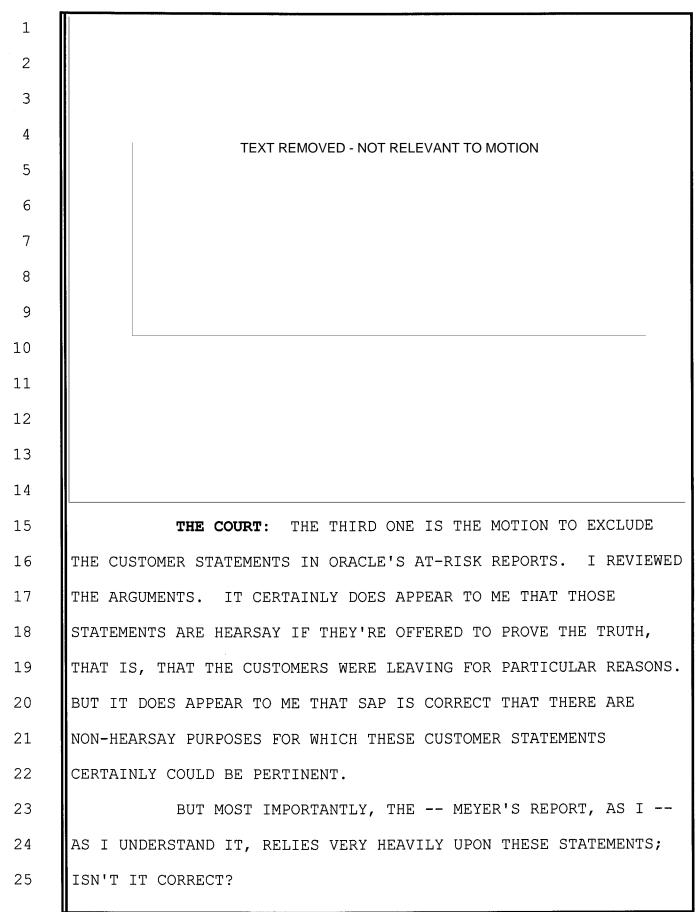
EXHIBIT B

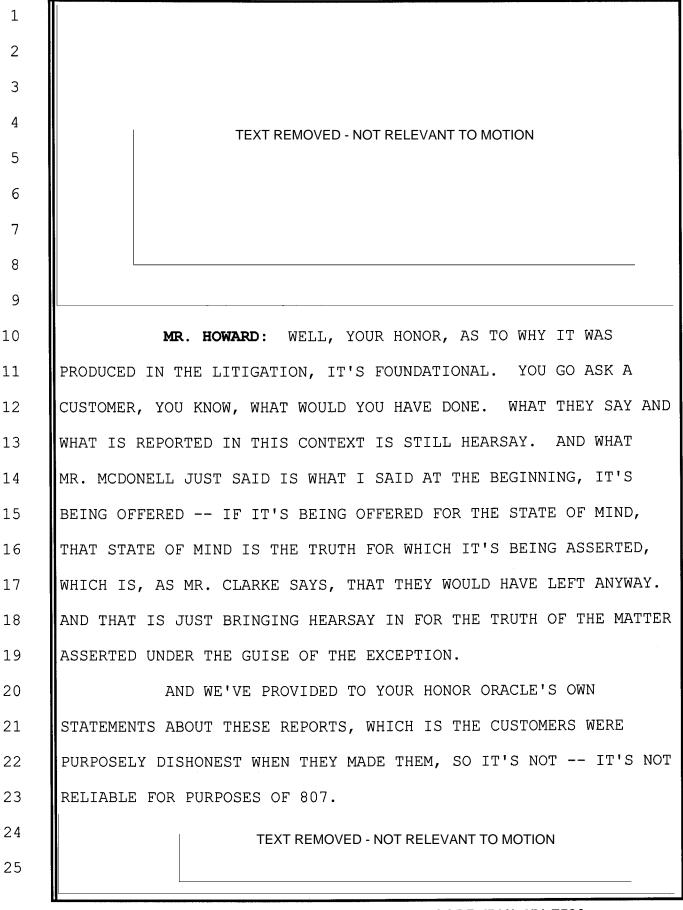
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UNITE	D STATES DISTRICT COURT
NORTHEI	RN DISTRICT OF CALIFORNIA
BEFORE THE HONORABLE PH	YLLIS J. HAMILTON, JUDGE
ORACLE CORPORATION, ET	AL.)
PLAINTIFFS,)) NO. C 07-01658 PJH
VS.	Certified Copy
SAP AG, ET AL.,)) PAGES 1 - 124
DEFENDANTS.)) OAKLAND, CALIFORNIA) WEDNESDAY, SEPTEMBER 30, 2010
TRAI	NSCRIPT OF PROCEEDINGS
APPEARANCES:	
FOR PLAINTIFFS: BY:	BOIES, SCHILLER & FLEXNER, LLP 1999 HARRISON STREET, SUITE 900 OAKLAND, CALIFORNIA 94612 STEVEN C. HOLTZMAN, ATTORNEY AT LAW
BY:	BINGHAM MCCUTCHEN LLP THREE EMBARCADERO CENTER SAN FRANCISCO, CALIFORNIA 94111-4607 ZACHARY J. ALINDER, ANTHONY FALZONE, HOLLY A. HOUSE, GEOFFREY M. HOWARD, DONN P. PICKETT, ATTORNEYS AT LAW
	JONES DAY SILICON VALLEY OFFICE 1755 EMBARCADERO ROAD PALO ALTO, CALIFORNIA 94303 THARAN GREGORY LANIER, ATTORNEY AT LAW
(APPEAR)	ANCES CONTINUED NEXT PAGE)
REPORTED BY: R	AYNEE H. MERCADO, CSR NO. 8258



1	AND AS I AS I UNDERSTAND IT, WASN'T THE AT-RISK
2	REPORT THAT CONTAINS THESE STATEMENTS PREPARED BY ORACLE? SO
3	ISN'T THERE A HIGH DEGREE OF RELIABILITY, I MEAN, GIVEN THE
4	EXPERT RELIED UPON THAT THEY WERE PREPARED BY PLAINTIFF?
5	(OFF-THE-RECORD DISCUSSION.)
6	MR. HOWARD: I'M SORRY. JEFF HOWARD.
7	YOUR HONOR, WE'RE NOT CONTENDING THAT THE REPORTS
8	THEMSELVES ARE NOT
9	THE COURT: COMING INTO EVIDENCE, RIGHT?
10	MR. PICKETT: YEAH, THEY'RE NOT WE'RE NOT SAYING
11	THEY'RE NOT BUSINESS RECORDS. WE'RE FOCUSED ON JUST THIS ONE
12	PART OF THE REPORT WHICH ARE TRANSCRIBED COMMENTS FROM
13	CUSTOMERS.
14	AND WHAT THE CASES SAY IS THAT THAT THIRD-PARTY
15	STATEMENT IS HEARSAY UNLESS THAT THIRD PARTY WAS UNDER A DUTY TO
16	STATE IT IN THE REGULAR COURSE OF THEIR BUSINESS, WHICH THERE'S
17	NO EVIDENCE ON, OR ORACLE WAS UNDER A DUTY TO VERIFY IT OR DID
18	VERIFY IT IN SOME WAY, WHICH THEY DID NOT DO. TO THE CONTRARY,
19	THEY DIDN'T THEY DID NOT RELY ON THOSE STATEMENTS AS THE
20	CUSTOMER SAID THEM BECAUSE THEY WERE SHOWN TO BE NOT TRUE FROM
21	TIME TO TIME BECAUSE CUSTOMERS SAY CERTAIN THINGS IN THE COURSE
22	OF NEGOTIATING THAT THEY DON'T REALLY MEAN OR KNOW.
23	AND SO IT'S JUST THOSE SPECIFIC STATEMENTS IN THE
24	REPORT WHICH DON'T RISE TO THE LEVEL OF RELIABILITY OR MEET
25	THESE STANDARDS WHICH WE'RE SEEKING TO EXCLUDE.

1	THE COURT: AND YOUR EXPERT DIDN'T RELY UPON THOSE
2	STATEMENTS?
3	MR. HOWARD: HE RELIED HE USED THE REPORTS BUT DID
4	NOT RELY ON OR ASCRIBE VERACITY TO ANY OF THE COMMENTS THAT ARE
5	IN THERE AND AND THE THE MR. CLARKE, THE DEFENDANT'S
6	EXPERT, IS NOT USING THOSE STATEMENTS TO SHOW THE THE
7	REASONS AND IF HE WAS, THEN IT WOULD BE FOR THE TRUTH BUT
8	FOR THE FACT THAT CUSTOMERS WERE GOING TO LEAVE ANYWAY.
9	AND SO THAT GETS RIGHT BACK TO THE TRUTH OF THE
10	MATTER ASSERTED. AND THERE IS NO INDICIA OF RELIABILITY, AND
11	YOU HAVEN'T HAD THESE OTHER CRITERIA MET, EITHER FROM THE
12	THIRD-PARTY SIDE OR FROM THE ORACLE SIDE, TO MAKE THAT
13	ADMISSIBLE.
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17	TEXT REMOVED - NOT RELEVANT TO MOTION
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2	TEXT REMOVED - NOT RELEVANT TO MOTION
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6	I'LL GIVE SOME FURTHER THOUGHT TO THAT WHOLE
7	STATE-OF-MIND ISSUE. I TEND TO THINK THAT TRUTH OF THE MATTER
8	STATE OF MIND IS TENDS TO MELD IN THESE CIRCUMSTANCES. WELL,
9	THERE VERY WELL MIGHT, HOWEVER, BE A BASIS UNDER THE RESIDUAL
10	EXCEPTION PERHAPS GIVEN HOW MUCH RELIANCE THERE IS ON THE REPORT
11	AND EVERYTHING CONTAINED THEREIN. THAT MIGHT BE A BASIS FOR
12	ALLOWING IT IN.
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18	TEXT REMOVED - NOT RELEVANT TO MOTION
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RAYNEE H. MERCADO, CSR, RMR, CRR, FCRR, CCRR (510) 451-7530

1	MR. PINTO AND, BY EXTENSION, MR. MEYER, YOU KNOW, OUR ARGUMENT
2	IS THAT THERE IS A LOT IN THERE THAT DOESN'T GO TO SAVED
3	ACQUISITION COSTS PER SE. IT'S A QUESTION OF EVALUATION
4	METHODOLOGIES, IT'S A QUESTION OF NON-INFRINGING ALTERNATIVES,
5	AND THINGS LIKE THAT. AND WE READ YOUR SUMMARY JUDGMENT'S
6	ORDER, OBVIOUSLY, VERY, VERY CAREFULLY AND REMAIN CONVINCED THAT
7	THERE'S A LOT IN THERE THAT DOES GO FAR YOU KNOW, IT IS
8	BEYOND THAT.
9	THE COURT: OKAY. ALL RIGHT. THAT'S IT.
10	MR. LANIER: THANK YOU VERY MUCH, YOUR HONOR.
11	THE COURT: ALL RIGHT.
12	MR. PICKETT: THANK YOU, YOUR HONOR.
13	(PROCEEDINGS WERE CONCLUDED AT 12:03 P.M.)
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	RAYNEE H MERCADO, CSR, RMR, CRR, ECRR, CCRR (510) 451-7530

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3	CERTIFICATE OF REPORTER
4	I, RAYNEE H. MERCADO, OFFICIAL REPORTER FOR THE UNITED
5	STATES COURT, NORTHERN DISTRICT OF CALIFORNIA, HEREBY CERTIFY
6	THAT THE FOREGOING PROCEEDINGS IN C07-01658 PJH, ORACLE
7	CORPORATION, ET AL. V. SAP AG, ET AL., WERE REPORTED BY ME, A
8	CERTIFIED SHORTHAND REPORTER, AND WERE THEREAFTER TRANSCRIBED
9	UNDER MY DIRECTION INTO TYPEWRITING; THAT THE FOREGOING IS A
10	FULL, COMPLETE AND TRUE RECORD OF SAID PROCEEDINGS AS BOUND BY
11	ME AT THE TIME OF FILING.
12	THE VALIDITY OF THE REPORTER'S CERTIFICATION OF SAID
13	TRANSCRIPT MAY BE VOID UPON DISASSEMBLY AND/OR REMOVAL FROM THE
14	COURT FILE.
15	
16	Paymer H. Meredo
17	RAYNEE H. MERCADO, CSR, RMR, CRR, FCRR, CCRR
18	MONDAY, OCTOBER 4, 2010
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