

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

CIVIL MINUTES

Date: November 16, 2010 (Time: 4 hour 48 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 8)-Held. See attached exhibit and witness list.

CASE CONTINUED TO: November 18, 2010 at 8:30 a.m. for Jury Trial (day 9).

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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>Tuesday November 16, 2010</u>	
		<u>8:18 a.m.</u>			<u>the court is back in session; the court hears argument regarding testimony of Stephen Clarke; the court denies defendants' motion to reconsider admissibility of plaintiffs' at-risk report as stated on the record.</u>	
		<u>8:38 a.m.</u>			<u>the jury is present; defendants' call eighth witness Stephen Clarke</u>	
		<u>10:15 a.m.</u>			<u>the court takes a break</u>	
		<u>10:36 a.m.</u>			<u>the court is back in session; continued direct examination of Mr. Clarke</u>	
		<u>10:38 a.m.</u>			<u>the court handles issues at side bar</u>	
		<u>10:47 a.m.</u>			<u>continued direct examination of Mr. Clarke</u>	
	<u>A-5193</u>	<u>11/16/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-5193</u>	
	<u>A-5199</u>	<u>11/16/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-5199</u>	
	<u>A-6028</u>	<u>11/16/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-6028</u>	
		<u>11:41 a.m.</u>			<u>cross examination of Mr. Clarke</u>	
		<u>12:17 p.m.</u>			<u>the jury takes a break</u>	
		<u>12:22 p.m.</u>			<u>the court takes a break</u>	
		<u>12:40 p.m.</u>			<u>the court is back in session out of the presence of the jury</u>	
		<u>12:42 p.m.</u>			<u>the jury is now present; continued cross examination of Mr. Clarke</u>	

		<u>1:32 p.m.</u>			<u>the jury is released for the day</u>	
		<u>1:36 p.m.</u>			<u>the court is adjourned for the day</u>	
					<u>plaintiffs' deposition excerpts used in opening statements and admitted into evidence on 11/9/10 are marked as plaintiffs' exhibits 4821, 4822, 4823, 4824, 4825, 4826, 4827 and 4828</u>	