

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

CIVIL MINUTES

Date: November 18, 2010 (Time: 4 hour 46 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 9)-Held. See attached exhibit and witness list.

CASE CONTINUED TO: November 19, 2010 at 8:30 a.m. for Jury Trial (day 10).

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>Thursday November 18, 2010</u>	
		<u>8:17 a.m.</u>			<u>the court is back in session; the court handles preliminary issues regarding the rebuttal testimony of Ms. Catz</u>	
		<u>8:25 a.m.</u>			<u>the jury is now present; continued cross examination of Mr. Clarke</u>	
	<u>A-2046</u>	<u>11/18/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-2046</u>	
<u>7035</u>		<u>11/18/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 7035</u>	
<u>7027</u>		<u>11/18/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 7027</u>	
					<u>plaintiffs' exhibits 19, 12, 4814, 154, 24, 171 already marked and admitted into evidence and used in conjunction with this witness</u>	
		<u>10:15 a.m.</u>			<u>the court takes a 15 minute break</u>	
		<u>10:33 a.m.</u>			<u>the court is back in session, re-direct examination of Mr. Clarke</u>	
<u>7106</u>		<u>11/18/10</u>	<u>x</u>		<u>plaintiffs' exhibit 7106</u>	
	<u>A-6891</u>	<u>11/18/10</u>	<u>x</u>		<u>defendants' exhibit A-6891</u>	
	<u>A-9347</u>	<u>11/18/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-9347</u>	
	<u>A-9348</u>	<u>11/18/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-9348</u>	
	<u>A-6110</u>	<u>11/18/10</u>	<u>x</u>		<u>defendants' exhibit A-6110</u>	
	<u>A-5181</u>	<u>11/18/10</u>	<u>x</u>		<u>defendants' exhibit A-5181</u>	

4881		<u>11/18/10</u>	<u>x</u>		<u>plaintiffs' exhibit 4881</u>
	<u>A-6519</u>	<u>11/18/10</u>	<u>x</u>		<u>defendants' exhibit A-6519</u>
		<u>11:41 a.m.</u>			<u>re-cross examination of Mr. Clarke</u>
416		<u>11/18/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 416</u>
373		<u>11/18/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 373</u>
		<u>12:17 p.m.</u>			<u>the jury takes a break, the court has further discuss with the parties regarding plaintiffs' exhibit 373</u>
		<u>12:22 p.m.</u>			<u>the court takes a break</u>
		<u>12:35 p.m.</u>			<u>the court is back in session; continued re-cross examination of Mr. Clarke</u>
7028		<u>11/18/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 7028</u>
		<u>12:49 p.m.</u>			<u>re-direct examination of Mr. Clarke</u>
	<u>A-6886</u>	<u>11/18/10</u>	<u>x</u>		<u>defendants' exhibit A-6886</u>
		<u>12:53 p.m.</u>			<u>re-cross examination of Mr. Clarke</u>
		<u>12:54 p.m.</u>			<u>Mr. Clarke is excused</u>
		<u>12:55 p.m.</u>			<u>defendants' call ninth witness Tracy Hallenberger by video deposition</u>
	<u>A-1744</u>	<u>11/18/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-1744</u>
	<u>A-1738</u>	<u>11/18/10</u>	<u>x</u>		<u>defendants' exhibit A-1738</u>
		<u>1:10 p.m.</u>			<u>defendants' move into evidence A-9342</u>
	<u>A-9342</u>	<u>11/18/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-9342</u>
		<u>1:10 p.m.</u>			<u>defendants' rest</u>
		<u>1:11 p.m.</u>			<u>plaintiffs' call first rebuttal witness Andrew Nelson</u>
					<u>plaintiffs' exhibits 37 and 97 already marked and admitted used in conjunction with this witness</u>
		<u>1:28 p.m.</u>			<u>plaintiffs' call second rebuttal witness Terry Hurst by video deposition</u>
		<u>1:31 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>