

EXHIBIT J

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BEFORE THE HONORABLE PHYLLIS J. HAMILTON, JUDGE

ORACLE CORPORATION, ET AL.)	JURY TRIAL
)	
PLAINTIFFS,)	NO. C 07-01658 PJH
)	
VS.)	VOLUME 8
)	
SAP AG, ET AL.,)	PAGES 1421 - 1511
)	
DEFENDANTS.)	OAKLAND, CALIFORNIA
)	MONDAY, NOVEMBER 15, 2010

CERTIFIED COPY

TRANSCRIPT OF PROCEEDINGS

APPEARANCES:

FOR PLAINTIFFS:

BINGHAM MUCCUTCHEN LLP
THREE EMBARCADERO CENTER
SAN FRANCISCO, CALIFORNIA 94111-4607
BY: ZACHARY J. ALINDER,
HOLLY A. HOUSE,
GEOFFREY M. HOWARD,
DONN P. PICKETT, ATTORNEYS AT LAW

BOIES, SCHILLER & FLEXNER LLP
1999 HARRISON STREET, SUITE 900
OAKLAND, CALIFORNIA 94612
BY: DAVID BOIES,
STEVEN C. HOLTZMAN, ATTORNEYS AT LAW

(APPEARANCES CONTINUED NEXT PAGE)

REPORTED BY:

RAYNEE H. MERCADO, CSR NO. 8258
DIANE E. SKILLMAN, CSR NO. 4909

RAYNEE H. MERCADO, CSR, RMR, CRR, FCRR, CCRR (510) 451-7530

NON-RELEVANT TEXT REMOVED

24 **MR. McDONELL:** VERY WELL, YOUR HONOR.

25 THEN TWO QUICK FOLLOW-UPS, IF I MAY. THAT RULING OR

1 GUIDANCE BY THE COURT IMPLICATES SOME OF THE OBJECTIONS THAT
2 PLAINTIFFS HAVE MADE TO THE PERTINENT DOCUMENTS THAT GOES WITH
3 THE TESTIMONY. WE WILL WORK HARD OVER THE BREAKS AND THROUGH
4 THE MORNING TO TRY TO CLEAR THOSE. IT'S CONCEIVABLE THAT THERE
5 WILL BE ONE TO THREE DOCUMENTS THAT STILL HAVE AN ISSUE THAT WE
6 MAY TRY TO ADDRESS WITH YOUR HONOR AT YOUR CONVENIENCE
7 THROUGHOUT THE DAY. THAT'S POINT ONE.

8 POINT TWO IS WE WOULD LIKE TO ASK THE COURT'S
9 PERMISSION TO FILE A POCKET BRIEF TODAY RELATING TO AN EXHIBIT
10 THAT WILL LIKELY BE OFFERED INTO EVIDENCE LATER IN THE WEEK,
11 MOST LIKELY THURSDAY ON THE AT-RISK REPORT. THE AT-RISK REPORT
12 WAS THE SUBJECT OF MOTION IN LIMINE BY PLAINTIFFS. IT IS THE
13 REPORT IN WHICH ORACLE CONCEDES IT'S A BUSINESS RECORD AND
14 ADMISSIBLE, BUT OBJECT TO WHAT THEY CALLED "TRANSCRIBED
15 STATEMENTS OF CUSTOMERS" IN THE AT-RISK REPORT.

16 YOUR HONOR AT THE MOTION IN LIMINE TIME FOUND THAT WE
17 HAD NOT SATISFIED YOUR HONOR THAT THERE WAS AN EXCEPTION TO THE
18 HEARSAY RULE FOR THOSE TRANSCRIBED STATEMENTS.

19 TWO ISSUES ARE NOW BEFORE US. ONE, WE WOULD LIKE TO
20 GIVE YOUR HONOR WHAT WE THINK IS CRYSTAL-CLEAR AUTHORITY,
21 INCLUDING A DECISION BY THEN CIRCUIT JUDGE, JUSTICE SOTOMAYOR,
22 WHO WE SHOULD ALL THINK KNOWS WHAT SHE'S TALKING ABOUT, THAT
23 THESE ARE, IN FACT, ADOPTIVE ADMISSIONS. AND WE HAVE A
24 THREE-PAGE BRIEF ON THAT POINT.

25 IF -- AND WE THINK THAT, THEN, COVERS THE WATERFRONT.

1 IF AND ONLY IF YOUR HONOR'S STILL CONCERNED THAT WE HAVE NOT
2 ESTABLISHED A -- AN EXCEPTION TO THE HEARSAY RULE, WE HAVE
3 PROVIDED THE EXAMPLE OF THE AT-RISK REPORT NOTES, AND WE HAVE
4 HIGHLIGHTED IN YELLOW WHAT APPEAR TO ME -- A DEFINITION OF A
5 TRANSCRIBED CUSTOMER STATEMENT AS OPPOSED TO AN ORACLE
6 STATEMENT.

7 AND WE WOULDN'T EXPECT YOUR HONOR TO LOOK AT THIS
8 LONG DOCUMENT BUT TO LOOK AT SOME OF THE EXAMPLES OF WHAT WE
9 THINK WOULD BE TRANSCRIBED CUSTOMER STATEMENTS THAT WOULD NEED
10 TO BE REDACTED IF THEY NEEDED TO BE REDACTED AT ALL, SO WE WOULD
11 SEEK LEAVE TO SUBMIT THAT TO YOUR HONOR TODAY.

12 **THE COURT:** HAS THE BRIEF BEEN WRITTEN?

13 **MR. McDONELL:** IT'S BEEN WRITTEN, IT'S BEEN SERVED,
14 AND IT'S AVAILABLE.

15 **THE COURT:** ALL RIGHT. I'LL ENTERTAIN IT.

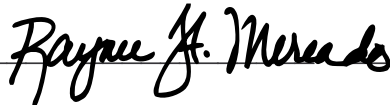
16 **MR. McDONELL:** THANK YOU.

NON-RELEVANT TEXT REMOVED

CERTIFICATE OF REPORTER

WE, RAYNEE H. MERCADO AND DIANE E. SKILLMAN, OFFICIAL REPORTERS FOR THE UNITED STATES COURT, NORTHERN DISTRICT OF CALIFORNIA, HEREBY CERTIFY THAT THE FOREGOING PROCEEDINGS IN C07-01658PJH, ORACLE USA, INC., ET AL. V. SAP AG, ET AL., WERE REPORTED BY US ON, MONDAY, NOVEMBER 15, 2010, CERTIFIED SHORTHAND REPORTERS, AND WERE THEREAFTER TRANSCRIBED UNDER OUR DIRECTION INTO TYPEWRITING; THAT THE FOREGOING IS A FULL, COMPLETE AND TRUE RECORD OF SAID PROCEEDINGS AS BOUND BY US AT THE TIME OF FILING.

THE VALIDITY OF THE REPORTER'S CERTIFICATION OF SAID TRANSCRIPT MAY BE VOID UPON DISASSEMBLY AND/OR REMOVAL FROM THE COURT FILE.



RAYNEE H. MERCADO, CSR, RMR, CRR, FCRR, CCRR



DIANE E. SKILLMAN, CSR, RPR, FCRR

TUESDAY, NOVEMBER 16, 2010