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18 *Attorneys for Plaintiff*
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19
 20 UNITED STATES DISTRICT COURT
 21 NORTHERN DISTRICT OF CALIFORNIA
 22 SAN FRANCISCO DIVISION

23 ORACLE AMERICA, INC.

24 Plaintiff,

25 v.

26 GOOGLE INC.

27 Defendant.

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Case No. CV 10-03561 WHA

**DECLARATION OF DORIAN DALEY
 IN SUPPORT OF ORACLE'S
 REQUEST FOR ACCESS TO
 ATTORNEYS' EYES ONLY
 INFORMATION**

Date & Time: May 31, 2011 at 11:30 a.m.
 Dept: Courtroom 4, 3rd Floor
 Judge: Honorable Donna M. Ryu

DALEY DECLARATION ISO ORACLE'S REQUEST FOR ACCESS TO ATTORNEYS' EYES ONLY INFORMATION
 CASE NO. CV 10-03561 WHA
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 Access - 3.DOC

1 I, Dorian Daley, declare as follows:

2 1. I am an attorney, licensed to practice in the State of California and before this
3 Court. I have personal knowledge of the facts stated in this declaration and could testify
4 competently to such facts if called as a witness.

5 2. I received my law degree from Santa Clara University School of Law in 1986.
6 Prior to joining Oracle Corporation ("Oracle"), I was a litigation associate at the firm Landels,
7 Ripley & Diamond. My work at the Landels firm focused on complex, multi-party litigation.

8 3. In 1992, I joined Oracle's Legal Department in the litigation group as Corporate
9 Counsel. In that capacity, I worked exclusively in Oracle's Litigation Group. My responsibilities
10 included involvement in and management of litigation, pre-litigation activity, dispute resolution
11 and settlement negotiations, bankruptcy matters, collections activities, and internal investigations,
12 including regulatory investigations and inquiries.

13 4. In 2001, I became Vice President and Associate General Counsel of Litigation.
14 My responsibilities in that capacity included managing the Litigation Group (and at times
15 attorneys in regional groups), the members of which handle all types of investigations, disputes
16 and litigation, including patent litigation. My job entailed managing the attorneys and staff in the
17 Litigation Department, including assigning attorneys to handle litigation matters; preparing and
18 managing budgets for the Litigation Group; preparing quarterly reports to senior management,
19 insurance carriers and auditors; developing and maintaining certain legal policies and processes
20 related to the litigation and investigations function, including records management and electronic
21 discovery; advising the Business Practices Group on contract provisions impacting dispute
22 resolution mechanisms and potential litigation issues; selecting outside counsel, consultants,
23 experts and other vendors for litigation matters and investigations; reviewing and approving
24 outside counsel and other vendor bills; directly participating in and supervising certain
25 investigations and litigation matters; and evaluating requests for settlement authority and advising
26 senior management about such requests.

27 5. In October 2007, I was promoted to the position of General Counsel, Senior Vice
28 President and Secretary at Oracle. My responsibilities include managing and overseeing Oracle's

1 Legal Department and serving as corporate secretary. In these roles, I am responsible for all
2 company legal and regulatory matters, including litigation, and for advising management and the
3 Oracle Board of Directors as to such matters. I am also currently the attorney at Oracle with
4 primary responsibility for managing this case.

5 6. My job responsibilities at Oracle are limited to legal, administrative, and legal
6 organizational functions. For my entire career my work has focused principally on litigation,
7 dispute resolution, and government investigation matters. During my time with Oracle, I have
8 made court appearances, taken and defended depositions, and managed in-house and outside
9 litigation counsel. I have had access to the opposing party's Highly Confidential information in a
10 number of cases.

11 7. In my capacity as General Counsel, I have continued to participate in and
12 supervise certain Oracle litigation matters. My name has appeared on the captions of cases that I
13 manage, as it has in this case. To enable me to effectively manage these cases, I have sought and
14 obtained access to the opposing party's Highly Confidential information.

15 8. In 2007, I actively participated in and supervised the litigation matter *Oracle Corp,*
16 *et al. v. SAP AG, et al.*, Case No. 07-1658 (N.D. Cal.). In that case, a special discovery master
17 concluded that I was not involved in competitive decision-making in my capacity as General
18 Counsel, Senior Vice President, and Secretary at Oracle (the same positions that I hold today). In
19 reaching this conclusion, the special master considered certain information presented in the
20 Declaration of Safra Catz (submitted under seal as Exhibit A) and in Oracle's Opposition to
21 Defendants' Motion to Compel No. 3 (submitted under seal as Exhibit B). The special master's
22 Report and Recommendation is attached hereto as Exhibit C.

23 9. I serve on the board of Oracle Financial Services Software, a subsidiary of Oracle.
24 My role in this capacity is to ensure alignment of governance policies and practices, as well as
25 board processes. I hold titles and board memberships in other Oracle subsidiaries for the same
26 purposes. I am not a competitive decision-maker in connection with any of these subsidiaries –
27 i.e., I am not involved in making decisions vis-à-vis competitors of these subsidiaries.
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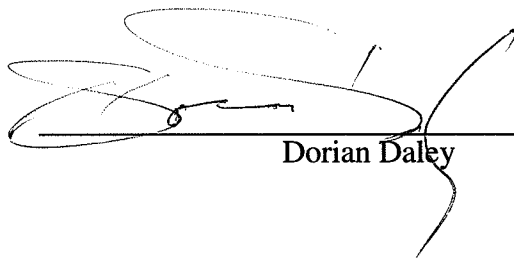
1 10. I have participated in only one Java Community Process (JCP) activity, an
2 unofficial telephonic meeting during which I made a few short statements. A copy of my scripted
3 comments is submitted under seal as Exhibit D.

4 11. I am not now and have never been involved in making decisions for Oracle
5 vis-à-vis its competitors in any of the areas listed in Paragraph 7.4(b) of the Stipulated Protective
6 Order. I do not manage any part of Oracle outside of the Legal Department and I am not a
7 member of Oracle's Board of Directors. Although I do attend Board of Directors meetings in my
8 capacity as General Counsel and Corporate Secretary, my role there involves providing legal
9 advice as requested.

10 12. Competitive decisions at Oracle are made at the senior executive level by Oracle's
11 CEO, Larry Ellison, its co-Presidents, Safra Catz and Mark Hurd, and by Oracle's Executive
12 Committee. I am not a member of the Executive Committee or expected to become a member of
13 the Executive Committee and do not participate in such Committee meetings. I am not a member
14 of, and do not participate in, Product Development Management meetings. Oracle has more than
15 40 Senior and Executive Vice Presidents and hundreds of Vice Presidents outside of the Legal
16 Department. When senior management has questions or seeks information for the purpose of
17 making business and competitive decisions, they consult vice presidents in the relevant
18 development, engineering, marketing, sales and other business and operational units.

19 I declare under penalty of perjury that the foregoing is true and correct and that this
20 declaration was executed on May 26, 2011 at Redwood Shores, California.

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Dorian Daley