

# Exhibit A

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

BEDROCK COMPUTER TECHNOLOGIES	§	
LLC,	§	
	§	
PLAINTIFF	§	
	§	
VS.	§	CIVIL ACTION NO. 6:09-cv-269-LED-JDL
	§	
SOFTLAYER TECHNOLOGIES, INC.,	§	
CITIWARE TECHNOLOGY SOLUTIONS,	§	JURY TRIAL DEMANDED
LLC, GOOGLE, INC., YAHOO!, INC.,	§	
MYSAPCE INC., AMAZON.COM INC.,	§	
PAYPAL INC., MATCH.COM, INC.,	§	
AOL LLC, and CME GROUP INC.,	§	
DEFENDANTS	§	

**YAHOO!'S NOTICE OF SUBPOENA TO ORACLE CORPORATION**

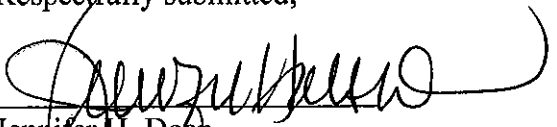
PLEASE TAKE NOTICE that pursuant to Rules 30 and 45 of the Federal Rules of Civil Procedure, Defendant Yahoo!, Inc. ("Yahoo!") in the above-captioned action demands, by subpoena, testimony and document production from Oracle Corporation ("Oracle"), a copy of which is attached hereto.

PLEASE TAKE FURTHER NOTICE that Oracle is a non-party to the action. So far as is known to Yahoo!, Oracle is located at the address of 500 Oracle Parkway, Redwood Shores, CA 94065.

The requested documents are to be produced on or before 5:00 p.m. on January 5, 2011 and the deposition is to take place at 9:00 a.m. on January 7, 2011, at the offices of McDermott Will & Emory LLP, at 275 Middlefield Road, Suite 100, Menlo Park, CA 94025. The deposition

will be recorded by stenographic and video means. The deposition will continue from day to day until completed. You are invited to attend and cross examine.

Respectfully submitted,

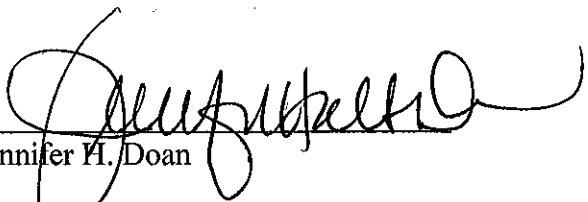


Jennifer H. Doan  
Texas Bar No. 08809050  
John Scott Andrews  
Texas Bar No. 24064823  
HALTOM & DOAN  
Crown Executive Center, Suite 100  
6500 Summerhill Road  
Texarkana, TX 75503  
Telephone: (903) 255-1000  
Facsimile: (903) 255-0800  
Email: jdoan@haltomdoan.com  
Email: sandrews@haltomdoan.com

**ATTORNEYS FOR  
YAHOO!, INC.**

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing has been forwarded to Plaintiff's counsel of record by electronic mail and certified mail, return receipt requested, and to all other counsel of record by electronic mail on the 29th day of December, 2010.



Jennifer H. Doan

UNITED STATES DISTRICT COURT

for the

Northern District of California

-Bedrock-Computer Technologies LLC

Plaintiff

v.

Softlayer Technologies, Inc., et al.

Defendant

Civil Action No. 6:09-cv-269

(If the action is pending in another district, state where: Eastern District of Texas)

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To: Oracle Corporation, 500 Oracle Parkway, Redwood Shores, CA 94065

Testimony: YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization that is not a party in this case, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

ALL TOPICS SET FORTH IN ATTACHMENT "A"

Table with 2 columns: Place (McDermott Will & Emery LLP, 275 Middlefield Road, Suite 100, Menlo Park, CA 94025) and Date and Time (01/07/2011 9:00 am)

The deposition will be recorded by this method: Video and Stenographer

Production: You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

ALL DOCUMENTS SET FORTH AND/OR DESCRIBED IN TOPICS 1-3 of ATTACHMENT "B"

Date: January 5, 2011

Location: McDermott Will & Emery LLP, 275 Middlefield Road, Suite 100, Menlo Park, CA 94025

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 12/29/2010

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Handwritten signature of Jennifer Doan

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) Jennifer Doan, who issues or requests this subpoena, are:

Haltom & Doan, 6500 Summerhill Road, Suite 100, Texarkana, Texas 75503, 903.255.1000, jdoan@haltomdoan.com

Civil Action No. 6:09-cv-269

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

This subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I served the subpoena by delivering a copy to the named individual as follows: \_\_\_\_\_

\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I returned the subpoena unexecuted because: \_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

### Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)

#### (c) Protecting a Person Subject to a Subpoena.

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

#### **(2) Command to Produce Materials or Permit Inspection.**

**(A) Appearance Not Required.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

**(B) Objections.** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

**(i)** At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

**(ii)** These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

#### **(3) Quashing or Modifying a Subpoena.**

**(A) When Required.** On timely motion, the issuing court must quash or modify a subpoena that:

**(i)** fails to allow a reasonable time to comply;

**(ii)** requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

**(iii)** requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

**(iv)** subjects a person to undue burden.

**(B) When Permitted.** To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

**(i)** disclosing a trade secret or other confidential research, development, or commercial information;

**(ii)** disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

**(iii)** a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

**(C) Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

**(i)** shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

**(ii)** ensures that the subpoenaed person will be reasonably compensated.

#### (d) Duties in Responding to a Subpoena.

**(1) Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

**(A) Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

**(B) Form for Producing Electronically Stored Information Not Specified.** If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

**(C) Electronically Stored Information Produced in Only One Form.** The person responding need not produce the same electronically stored information in more than one form.

**(D) Inaccessible Electronically Stored Information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

#### **(2) Claiming Privilege or Protection.**

**(A) Information Withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

**(i)** expressly make the claim; and

**(ii)** describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

**(B) Information Produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(e) Contempt.** The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

## ATTACHMENT A

Pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, Oracle Corporation must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on Oracle Corporation 's behalf concerning the topics set forth and/or described below.

### Definitions

A. "YOU," "YOUR" or "ORACLE" means Oracle Corporation, along with its agents, officers, directors, employees, affiliates, subsidiaries, parents, and predecessors-in-interest.

B. "ORACLE PRIOR ART" means Solaris 2.5, Solaris 2.5.2, and Solaris 2.6, including the TCP Driver and IP Filter.

C. "DOCUMENT" shall have the meaning" and scope of that term as used in Fed. R. Civ. P. 34 including the terms "writings and recordings," "photographs," "originals," and "duplicate" as defined in Fed. R. Evid. 1001, and includes, without limitation, the following items whether printed, recorded, stored or saved electronically, microfilmed, or reproduced by any process, or written or produced by hand, and whether or not claimed to be privileged or confidential or personal: letters; memoranda; reports; records; agreements; working papers; communications; correspondence; summaries or records of personal conversations; diaries; forecasts; statistical statements; graphs; laboratory or research reports and notebooks; charts; minutes or records of conferences; expressions or statements of policy; lists of persons attending meetings or conferences; reports or summaries of interviews; reports or summaries of investigations; opinions or reports of consultants; patent appraisals; opinions of counsel; reports or summaries of either negotiations within or external to the corporation or preparations for such; brochures; manuals; pamphlets; advertisements; circulars; press releases; drafts of any documents; memoranda; books; instruments; accounts; bills of sale; invoices; tapes; electronic

communications, including, but not limited to, emails; telegraphic communications and all other material of any tangible medium of expression; and original or preliminary notes. Any comment or notation appearing on any document, and not part of the original text, is to be considered a separate “document.”

D. “COMMUNICATION” or “COMMUNICATIONS” means, without limitation, any transmission, conveyance or exchange of a word, statement, fact, thing, idea, DOCUMENT, instruction, information, demand or question by any medium, whether by written, oral or other means.

E. “REFLECT,” “REFLECTING,” “RELATED TO,” “REFER TO,” “RELATING TO,” “REFERRING TO,” and “REGARDING” means referring to, relating to, describing, discussing, constituting, comprising, evidencing, pertaining to, concerning, mentioning, containing, reflecting, displaying, showing, identifying, proving, disproving, consisting, contradicting, being in any way legally, logically, or factually connected with the matters referenced, or having a tendency to prove or disprove any matter referenced.

### **Deposition Topics**

1. The functionality reflected in the DOCUMENTS including but not limited to source code produced in response to Document Request Nos. 1-3.

2. The AUTHENTICATION and ADMISSIBILITY of the DOCUMENTS including but not limited to source code produced in response to Document Request Nos. 1-3.



## **ATTACHMENT B**

Defendant Yahoo!, hereby requests that the Oracle Corporation produce the following materials, documents and records in your possession, custody or control, by the time, date and location indicated in the accompanying subpoena, or at such other time, date, and location as may be agreed to by counsel

### **Instructions**

1. In responding to this subpoena, YOU are requested to furnish all DOCUMENTS or things in YOUR possession, custody, or control, regardless of whether such DOCUMENTS or things are possessed directly by YOU or YOUR employees, attorneys, or any other person or persons acting on YOUR behalf.
2. In producing DOCUMENTS for inspection, YOU are requested to produce the original of each DOCUMENT together with all non-identical copies and drafts of that DOCUMENT. A copy of a DOCUMENT bearing a comment, notation, or marking of any kind, which is not a part of the original, shall be considered a separate document. Any draft, preliminary or superseded version of any DOCUMENT is considered to be a separate DOCUMENT.
3. All DOCUMENTS that are maintained in electronic form should be produced in electronic form even if a paper copy of the same DOCUMENT was produced.
4. DOCUMENTS attached to each other should not be separated.
5. If any requested DOCUMENT or thing cannot be produced in full, please produce it to the extent possible, indicating what is being withheld and the reason it is being withheld.
6. If any requested DOCUMENT is withheld on the grounds of privilege, please provide the information required by Federal Rule of Civil Procedure 26(b)(5)(A).

7. Please produce DOCUMENTS and things responsive to these requests as they are kept in the usual course of business, or alternatively, organized and labeled to correspond to each request to which the DOCUMENTS or things are responsive.

**Document Requests**

1. DOCUMENTS including but not limited to source code sufficient to show the marking of routes for garbage collection and the removing of routes marked for garbage collection in the routing functionality of the ORACLE PRIOR ART.

2. DOCUMENTS including but not limited to source code sufficient to show the data structures and storing of routes in the routing functionality of the ORACLE PRIOR ART of Request No. 1, including but not limited to any hashing functionality and linked lists.

3. DOCUMENTS including but not limited to source code sufficient to show garbage collection from the routing cache of the ORACLE PRIOR ART and the data structures and storing of routes in the routing cache of the ORACLE PRIOR ART, including but not limited to any hashing functionality and linked lists.

Attorney or Party without Attorney: HALTOM & DOAN P.O. BOX 6227 TEXARKANA, TX 75505 Telephone No: 903-255-1000      FAX No: 903-255-0800			For Court Use Only		
Attorney for: Defendant			Ref. No. or File No.:		
Insert name of Court, and Judicial District and Branch Court: United States District Court For The Northern District Of California					
Plaintiff: BEDROCK COMPUTER TECHNOLOGIES LLC Defendant: SOFTLAYER TECHNOLOGIES, INC., ET AL.					
<b>PROOF OF SERVICE SUBPOENA</b>		Hearing Date: Fri, Jan. 07, 2011	Time: 9:00AM	Dept/Div:	Case Number: 6:09-CV-269

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION; ATTACHMENT A & B
3. a. Party served: ORACLE CORPORATION BY SERVING: CSC LAWYERS INCORPORATING SERVICE, AGENT FOR SERVICE  
 b. Person served: STEVE CASIDY, CLERK @ CSC LAWYERS INCORPORATING SERVICE
4. Address where the party was served: 2730 GATEWAY OAKS DRIVE, SUITE 100  
 SACRAMENTO, CA 95833
5. I served the party:
  - a. by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on: Mon., Jan. 03, 2011 (2) at: 2:22PM
  - b. I received this subpoena for service on: Monday, January 03, 2011

6. Witness fees were offered or demanded, and paid: \$55.30

7. Person Who Served Papers:

a. JEFF KING



1541 Bayshore Hwy.      GENERAL@AALEGALSERVICE.COM  
 Burlingame, CA 94010-1602      Fax (650) 697-4640  
 (650) 697-9431

Recoverable Cost Per CCP 1033.5(a)(4)(B)

d. The Fee for Service was:

- e. I am: (3) registered California process server
  - (i) Independent Contractor
  - (ii) Registration No.: 2006-60
  - (iii) County: Sacramento

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: Tue, Jan. 04, 2011

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of Sacramento

On JAN - 4 2011 before me, Tracy Scott, Notary Public

personally appeared Jeff King

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Place Notary Seal and/or Stamp Above

Signature: [Signature]  
Signature of Notary Public

**OPTIONAL**

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

**Description of Attached Document**

Title or Type of Document: Proof of Service Subpoena

Document Date: JAN - 4 2011 Number of Pages: 1

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: Jeff King Signer's Name: \_\_\_\_\_

Corporate Officer — Title(s): \_\_\_\_\_  Corporate Officer — Title(s): \_\_\_\_\_

Individual  Individual

Partner —  Limited  General  Partner —  Limited  General

Attorney in Fact  Attorney in Fact

Trustee  Trustee

Guardian or Conservator  Guardian or Conservator

Other: Registered Process Server  Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_ Signer Is Representing: \_\_\_\_\_

