

# **EXHIBIT 1**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO DIVISION  
BEFORE: CHARLES A. LEGGE, JUDGE (Ret.)

---oOo---

ORACLE CORPORATION, a Delaware )  
corporation; ORACLE, USA, INC., )  
a Colorado corporation, and )  
ORACLE INTERNATIONAL )  
CORPORATION, a California ) No. 07-CV-01658-MJJ  
corporation, )

Plaintiffs, )

vs. )

CERTIFIED COPY

SAP AG, a German corporation,  
SAP AMERICA, INC., a Delaware  
corporation, TOMORROWNOW, INC.,  
a Texas corporation, and DOES  
1-50, inclusive,  
Defendants.

HEARING IN RE DISCOVERY ISSUES

\_\_\_\_\_  
Wednesday, February 13, 2008

At:

JAMS  
2 Embarcadero Center, 14th Floor  
San Francisco, California

Reported by:

GEORGE SCHUMER, CSR 3326

(406308)

PROCEEDINGS February 13, 2008

1 In addition to the historic documents that  
2 presumably have been produced -- mind you, we haven't even  
3 been told yet whether or not there actually is a grand  
4 jury subpoena.

5 JUDGE LEGGE: You are missing my point. Let's  
6 assume that it is; that there has been a subpoena, and  
7 let's assume they have a truckload of material they are  
8 about to deliver to the US attorney for ultimate  
9 production to the grand jury -- let's assume that.

10 Why go through all that, if you are going to get  
11 the answers to the questions you want answered by methods  
12 that we have been talking about this morning?

13 MS. HOUSE: As Your Honor knows, and your  
14 colleague, Judge Breyer, has found, there's a whole lot of  
15 information that isn't even -- not the documents  
16 themselves, but let's say that have been presentations  
17 making these kinds of clear delineations between what they  
18 say happened, and who did it, and the scope.

19 Their opposition doesn't even touch on those  
20 which are clearly not -- anything that you could even  
21 pretend to be covered by the Rule 6(e) protection.  
22 Anything that has been produced to the government  
23 voluntarily --

24 JUDGE LEGGE: But if you get it from them --  
25 everything you need to know to prove your liability

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CERTIFICATION

I, GEORGE SCHUMER, a Certified Shorthand Reporter in the State of California, hereby certify that said proceedings were taken at the time and place therein stated; that said proceedings were reported by me and thereafter prepared under my direction into typewriting, by computer; and that the foregoing is a full, complete and true record of said proceedings.

DATED: February 21, 2008.



GEORGE SCHUMER, CSR No. 3326