

1 Robert A. Mittelstaedt (SBN 060359)
Jason McDonell (SBN 115084)
2 Elaine Wallace (SBN 197882)
JONES DAY
3 555 California Street, 26th Floor
San Francisco, CA 94104
4 Telephone: (415) 626-3939
Facsimile: (415) 875-5700
5 ramittelstaedt@jonesday.com
jmcdonell@jonesday.com
6 ewallace@jonesday.com

7 Tharan Gregory Lanier (SBN 138784)
Jane L. Froyd (SBN 220776)
8 JONES DAY
1755 Embarcadero Road
9 Palo Alto, CA 94303
Telephone: (650) 739-3939
10 Facsimile: (650) 739-3900
tglanier@jonesday.com
11 jfroyd@jonesday.com

12 Scott W. Cowan (Admitted *Pro Hac Vice*)
Joshua L. Fuchs (Admitted *Pro Hac Vice*)
13 JONES DAY
717 Texas, Suite 3300
14 Houston, TX 77002
Telephone: (832) 239-3939
15 Facsimile: (832) 239-3600
swcowan@jonesday.com
16 jlfuchs@jonesday.com

17 Attorneys for Defendants
SAP AG, SAP AMERICA, INC., and
18 TOMORROWNOW, INC.

19 UNITED STATES DISTRICT COURT
20 NORTHERN DISTRICT OF CALIFORNIA
21 OAKLAND DIVISION

22 ORACLE USA, INC., et al.,
23 Plaintiffs,
24 v.
25 SAP AG, et al.,
26 Defendants.

Case No. 07-CV-1658 PJH (EDL)
**DEFENDANTS' TRIAL EXHIBIT
LIST FOR NEW TRIAL**

1 Defendants submit the attached trial exhibit list that contains those exhibits that will be
2 offered as evidence in Defendants' case in chief in support of their claims and defenses. *See*
3 Exhibit "A." This list is limited to the claims and defenses currently available in this case based
4 on the parties' stipulations and the Court's prior orders.

5 Defendants reserve the right to add or remove exhibits in light of the Defendants' ongoing
6 efforts to streamline trial and the Court's further rulings on pending motions. Defendants also
7 reserve the right to add to the trial exhibit list those documents underlying the Rule 1006
8 Summaries currently identified. Further, consistent with Federal Rule of Evidence 705,
9 Defendants also identify those materials Stephen Clarke relied upon for his expert opinions (i.e.,
10 A-5000 to A-9318 from Defendants' 10/31/10 Amended Trial Exhibit List and all exhibits on
11 Exhibit "A" citing Clarke as the sponsoring witness). Defendants reserve the right to use these
12 reliance materials at the new trial should Plaintiffs put any of them at issue. Moreover, several
13 exhibits are designated solely for foundational purposes. Should Oracle stipulate to or the Court
14 rule on the admissibility of certain exhibits prior to trial, Defendants' exhibit list will be further
15 narrowed.

16 Dated: April 26, 2012

Respectfully submitted,

Jones Day

19 By: /s/ Tharan Gregory Lanier
20 Tharan Gregory Lanier

21 Attorneys for Defendants
22 SAP AG, SAP AMERICA, INC., and
23 TOMORROWNOW, INC.

Exhibit “A”

ORACLE USA, INC. ET AL. v SAP AG ET AL.**USDC -- NORTHERN DIST. OF CALIFORNIA**

Case No. C 07 1658 PJH (EDL)

DEFENDANTS' TRIAL EXHIBITS FOR NEW TRIAL

Exhibit No.	Bates Range	Description	Sponsoring Witness
A-0014	ORCL00136263	At Risk WIP - Update Template Chart, for the purpose of causation and damages analysis	Ryland, Keith
A-0043	ORCL00087624-625; ORCL00034267; ORCL00034284; ORCL00034299; ORCL00034285; ORCL00034335; ORCL00034304-305; ORCL00034316; ORCL00034312-315	Undated Aria People Search Oracle Organization Charts re: structure and organization of Oracle support sales group, for the purpose of showing Oracle's infrastructure	Cummins, Richard
A-0044	ORCL00138749 - ORCL00138772	04/20/05 e-mail from J. Petraglia to E. Shippy re: Oracle sales presentation, for the purpose of causation and damages analysis	Cummins, Richard; Meyer, Paul
A-0045	ORCL00032592 - ORCL00032621	06/12/05 e-mail from F. Studer to J. Wookey and J. Andersen re: Oracle support sales, for the purpose of causation and damages analysis	Cummins, Richard
A-0049	ORCL00172564 - ORCL00172572	04/11/05 e-mail from T. Travis to OSSINFO_US_APPR re: Oracle support sales, for the purpose of causation and damages analysis	Cummins, Richard
A-0055	ORCL00032751	05/03/06 Spreadsheet re: 3rd Party Risk Analysis, for the purpose of causation and damages analysis	Cummins, Richard
A-0059	ORCL00079745	01/25/08 Spreadsheet re: Third Party Risk Analysis (redacted), for the purpose of causation and damages analysis	Cummins, Richard; Custodian of Record
A-0063	ORCL00088216 - ORCL00088230	07/29/05 e-mail from R. Cummins to P. Hariharan re: Oracle support sales, for the purpose of causation and damages analysis	Cummins, Richard

ORACLE USA, INC. ET AL. v SAP AG ET AL.**USDC -- NORTHERN DIST. OF CALIFORNIA**

Case No. C 07 1658 PJH (EDL)

DEFENDANTS' TRIAL EXHIBITS FOR NEW TRIAL

Exhibit No.	Bates Range	Description	Sponsoring Witness
A-0065	ORCL00087618 - ORCL00087644	01/02/07 e-mail from J. Jones to D. Hare re: Oracle support sales, for the purpose of causation and damages analysis	Cummins, Richard
A-0079		Undated 30(b)(6) Deposition Preparation Notes, for the purpose of causation and damages analysis	Shippy, Elizabeth
A-0080	ORCL00088858 - ORCL00088859	10/12/06 e-mail from S. Baribeau to E. Shippy re: Acquisitions at Risk, for the purpose of causation and damages analysis	Shippy, Elizabeth
A-0082	ORCL00181687 - ORCL00181698	Undated Global Customer Support Organization and Undated Aria People Search Oracle Organization Charts, for the purpose of showing Oracle's infrastructure	Ransom, Buffy
A-0132	ORCL00034267; ORCL00034270; ORCL00034253- 255; ORCL00034257; ORCL00034256; ORCL00034258-259	Undated Aria People Search Oracle Organization Charts, for the purpose of showing Oracle's infrastructure	Burke, John; Homs, Charles
A-0134	ORCL00213586 - ORCL00213593	Undated Aria People Search Oracle Organization Chart, for the purpose of showing Oracle's infrastructure	Burke, John
A-0137	ORCL00132211 - ORCL00132249	06/00/06 Presentation entitled "SAP Support Competitive Overview," for the purpose of causation and damages analysis	Burke, John
A-0138	ORCL00033725	Undated chart titled "Third-Party Competitive Matrix," for the purpose of causation and damages analysis	Burke, John
A-0139	ORCL00032605 - ORCL00032621	03/30/05 Document titled "Support Services Customer Retention Program," for the purpose of causation and damages analysis	Burke, John

ORACLE USA, INC. ET AL. v SAP AG ET AL.

USDC -- NORTHERN DIST. OF CALIFORNIA

Case No. C 07 1658 PJH (EDL)

DEFENDANTS' TRIAL EXHIBITS FOR NEW TRIAL

Exhibit No.	Bates Range	Description	Sponsoring Witness
A-0181	ORCL00163330 - ORCL00163336	03/23/06 Document titled "Current status of SAP's Safe Passage initiative," for the purpose of causation and damages analysis	Homs, Charles
A-0204	ORCL00135287 - ORCL00135296	Fall 2006 Presentation by E. Shippy titled "At Risk Customers - Support Sales Initiatives," for the purpose of supporting defenses	Shippy, Elizabeth
A-0210	ORCL00089538	06/03/05 e-mail from J. Patrice to E. Shippy re: Monthly E1 Conference Calls, for the purpose of causation and damages analysis	Shippy, Elizabeth; Clarke, Stephen
A-0211	ORCL00138840	02/15/06 e-mail from E. Shippy to S. Moses-Reed re: Apps Strategy meeting follow up, for the purpose of causation and damages analysis	Shippy, Elizabeth
A-0216	ORCL00089413 - ORCL00089424	03/23/06 PowerPoint, "Renewal Alert Program Launch," Elizabeth Shippy, for the purpose of causation and damages analysis and supporting damages	Shippy, Elizabeth
A-0217	ORCL00130706 - ORCL00130728	Undated presentation titled "Oracle Support Services - The Best Protection Money Can Buy" for the purpose of causation and damages analysis and supporting damages	Shippy, Elizabeth
A-0218	ORCL00089953 - ORCL00089973	10/11/06 e-mail from E. Shippy to R. Lachs re: Revised Playbook Per Phil's Suggestion, with 3rd Party Playbook 2.doc attached, for the purpose of causation and damages analysis	Shippy, Elizabeth
A-0225	ORCL00139034 - ORCL00139036	11/06/06 e-mail from E. Shippy to L. Fazekas, R. Lachs, D. Davis and D. Rogers re: FW: reinstatement 091206.xls, for the purpose of causation and damages analysis	Shippy, Elizabeth

ORACLE USA, INC. ET AL. v SAP AG ET AL.

USDC -- NORTHERN DIST. OF CALIFORNIA

Case No. C 07 1658 PJH (EDL)

DEFENDANTS' TRIAL EXHIBITS FOR NEW TRIAL

Exhibit No.	Bates Range	Description	Sponsoring Witness
A-0229	ORCL00230395 - ORCL00230414	08/02/06 e-mail and attachment from D. Kehring to C. Rozwat, J. Rottler, L. Ellison, C. Phillips, S. Catz and others re: Integration Scorecard, for the purpose of causation and damages analysis	Catz, Safra; Kehring, Douglas; McDermott, Bill; Clarke, Stephen; Custodian of Record
A-0230	ORCL00333236 - ORCL00333238	01/19/05 e-mail from D. Kehring to S. Catz, K. Glueck, A. Fletcher, D. Renert, J. Wookey, D. Kehring, and H. You re: Safe Passage Announcement, for the purpose of causation and damages analysis	McDermott, Bill; Kehring, Douglas; Clarke, Stephen; Custodian or Declarant of Record
A-0252	ORCL00182333 - ORCL00182364	06/01/06 Second Amended and Restated Cost Sharing and Licensing Agreement, for the purpose of supporting copyright defense and causation and damages analysis	Kishore, Ann
A-0272	ORCL00182248 - ORCL00182270	License Agreement Oracle Finance S.A.R.L., Oracle EMEA, for the purpose of causation and damages analysis	Kishore, Ann; Custodian of Record; Mickelsen, Brady; Adler, Todd
A-0276	ORCL00363112 - ORCL00363114	03/11/05 e-mail from R. Rathman to C. Phillips re: Ellison article, for the purpose of supporting defenses	Phillips, Charles
A-0277	ORCL00361013 - ORCL00361014	03/24/05 e-mail from C. Phillips to L. Ellison and S. Catz re: TomorrowNow, for the purpose of causation and damages analysis	Phillips, Charles; Ellison, Larry; Catz, Safra; Meyer, Paul
A-0281	ORCL00359888	12/05/05 e-mail from C. Hummel to C. Phillips and B. Wynne re: TomorrowNow, for the purpose of causation and damages analysis	Phillips, Charles
A-0287	ORCL00369089 - ORCL00369090	02/15/07 e-mail from P. O'Neill to C. Phillips re: Gartner note, for the purpose of causation and damages analysis	Phillips, Charles

ORACLE USA, INC. ET AL. v SAP AG ET AL.

USDC -- NORTHERN DIST. OF CALIFORNIA

Case No. C 07 1658 PJH (EDL)

DEFENDANTS' TRIAL EXHIBITS FOR NEW TRIAL

Exhibit No.	Bates Range	Description	Sponsoring Witness
A-0290	ORCL00188629 - ORCL00188632	01/09/07 e-mail from R. Cummins to N. Lyskawa re: Oracle support sales, for the purpose of causation and damages analysis	Cummins, Richard; Lyskawa, Nancy
A-0307	ORCL00182794 - ORCL00182797	03/13/07 e-mail from R. Cummins to C. Penfield re: Oracle support sales, for the purpose of causation and damages analysis	Cummins, Richard
A-0308	ORCL00208349 - ORCL00208351	11/08/05 e-mail from R. Cummins to C. Madsen re: Oracle product roadmap concerns, for the purpose of causation and damages analysis	Cummins, Richard
A-0313	ORCL00126474 - ORCL00126475	01/11/06 e-mail from B. Allario to R. Lachs re: Oracle support sales, for the purpose of causation and damages analysis	Cummins, Richard
A-0337		Defendant TomorrowNow, Inc.'s Supplemental Exhibit 1 to Its First Sets of Requests for Production and Interrogatories to Plaintiffs, for the purpose of causation and damages analysis	Cummins, Richard
A-0357	ORCL00034305	Undated Aria People Search Oracle Organization Chart, for the purpose of showing Oracle's infrastructure	Jones, Juan
A-0358	ORCL00034304	Undated Aria People Search Oracle Organization Chart re: J. Rottler's team, for the purpose of showing Oracle's infrastructure	Jones, Juan
A-0367	ORCL00173509 - ORCL00173511	08/29/06 e-mail from J. Jones to C. Madsen re: Home Depot, for the purpose of causation and damages analysis	Jones, Juan; Meyer, Paul; Ellison, Larry
A-0370	ORCL00206410 - ORCL00206412	11/30/05 e-mail from R. Cummins to J. Blackford re: Amgen, for the purpose of causation and damages analysis	Jones, Juan; Cummins, Richard

ORACLE USA, INC. ET AL. v SAP AG ET AL.

USDC -- NORTHERN DIST. OF CALIFORNIA

Case No. C 07 1658 PJH (EDL)

DEFENDANTS' TRIAL EXHIBITS FOR NEW TRIAL

Exhibit No.	Bates Range	Description	Sponsoring Witness
A-0371	ORCL00129147 - ORCL00129151	10/05/06 e-mail from J. Jones to C. Hummel re: Oracle clips, for the purpose of causation and damages analysis	Jones, Juan; Meyer, Paul
A-0372	ORCL00193693 - ORCL00193694	10/04/06 e-mail from J. Jones to R. Cummins re: TomorrowNow, for the purpose of causation and damages analysis	Jones, Juan
A-0373	ORCL00269713 - ORCL00269714	12/01/05 e-mail from J. Jones to D. Hare re: Oracle should see strong customer retention, for the purpose of causation and damages analysis	Jones, Juan
A-0374	ORCL00192008 - ORCL00192015	09/19/05 e-mail from J. Jones to I. Plummer, E. Owens, M. Bianco, J. McLeod, J. Blackford, R. Lachs, R. Cummins, C. Madsen, and J. Pape re: "SAP: What, Us Worry About Oracle?," for the purpose of causation and damages analysis	Jones, Juan; Meyer, Paul; Ellison, Larry; Catz, Safra
A-0398	ORCL00385891	01/05/05 e-mail from B. Ransom to J. Schiff re: Oracle Customer Concerns, for the purpose of supporting defenses and causation and damages analysis	Ransom, Buffy
A-0421	ORCL00382993 - ORCL00382998	01/19/05 e-mail from A. Allbritten to CS Extended Managers re: Oracle response to TN acquisition, for the purpose of supporting defenses, and causation and damages analysis	Lyskawa, Nancy; Ellison, Larry; Meyer, Paul
A-0424	ORCL00461332 - ORCL00461343	01/21/05 e-mail from N. Lyskawa to R. Henslee re: "Please review and be familiar with this for our call later - please do not forward," for the purpose of causation and damages analysis	Henslee, Robbin

ORACLE USA, INC. ET AL. v SAP AG ET AL.

USDC -- NORTHERN DIST. OF CALIFORNIA

Case No. C 07 1658 PJH (EDL)

DEFENDANTS' TRIAL EXHIBITS FOR NEW TRIAL

Exhibit No.	Bates Range	Description	Sponsoring Witness
A-0441	ORCL00227671 - ORCL00227672	11/17/05 e-mail from J. Rottler to C. Phillips re: third party support competitors, for the purpose of causation and damages analysis	Rottler, Juergen; Meyer, Paul; Custodian or Declarant of Record; Clarke, Stephen
A-0470	ORCL00034273 - ORCL00034275	Undated Aria People Search Oracle Organization Chart, for the purpose of showing Oracle's infrastructure	Andersen, Jesper
A-0494	ORCL00181697; ORCL00181696; ORCL00181689	09/08/08 Aria People Search Oracle Organization Chart re: Oracle support services, for the purpose of showing Oracle infrastructure	Nolan, Brad
A-0497	ORCL00483848	03/03/05 e-mail from B. Nolan to S. McLoughlin, et al., re: Vendors for Quest conference, for the purpose of causation and damages analysis	Nolan, Brad
A-0499	ORCL00394234 - ORCL00394235	05/09/06 e-mail from B. Nolan to J. Schiff re: support service customer cancellation, for the purpose of causation and damages analysis	Nolan, Brad
A-0503	ORCL00308615 - ORCL00308616	09/28/05 e-mail from N. Lyskawa to B. Nolan and R. Henslee re: JD Edwards World Path to Fusion, for the purpose of causation and damages analysis	Nolan, Brad
A-0504	ORCL00308443 - ORCL00308452	09/20/05 e-mail from N. Lyskawa to B. Nolan re: Oracle customer concern about Fusion, for the purpose of causation and damages analysis	Nolan, Brad
A-0528	ORCL00454550 - ORCL00454559	11/30/04 e-mail Meeting Notice from R. Henslee to A. Casillas, A. Alvarez, and several others re: "Project Meeting to Launch Supplemental Support Offerings," for the purpose of causation and damages analysis	Henslee, Robbin

ORACLE USA, INC. ET AL. v SAP AG ET AL.**USDC -- NORTHERN DIST. OF CALIFORNIA**

Case No. C 07 1658 PJH (EDL)

DEFENDANTS' TRIAL EXHIBITS FOR NEW TRIAL

Exhibit No.	Bates Range	Description	Sponsoring Witness
A-0546	TN-OR04494185 - TN-OR04494187	10/13/05 e-mail from S. Moore to S. Phillips re: TomorrowNow & McLennan County, TX - revised agreement attached, for the purpose of causation and damages analysis	Wasson, Robert
A-0547	TN-MCL00133 - TN-MCL00147	10/26/05 e-mail from S. Phillips to R. Wasson re: Support Services Agreement, for the purpose of causation and damages analysis	Wasson, Robert
A-0552		Undated document with lists of support sales and support delivery personnel prepared by Mr. Duggan, for the purpose of causation and damages analysis	Duggan, Paul
A-0553	ORCL00523947 - ORCL00523973	07/14/09 Aria People Search Oracle Organization Chart, for the purpose of showing Oracle's infrastructure	Duggan, Paul
A-0554		06/06/09 Aria People Search Oracle Organization Charts, for the purpose of showing Oracle's infrastructure	Duggan, Paul
A-0555		05/11/09 Defendant's Third Notice of Deposition of Plaintiff Oracle USA, Inc. Pursuant to Fed. R. Civ. P. 30(b)(6), for the purpose of showing corporate representative	McMillan, Eileen
A-0559	ORCL00278144	Undated spreadsheet re: WS1 Contract Detail by Customer - Hyundai Motor UK - OK13 Contract Details.xls, for the purpose of causation and damages analysis	McMillan, Eileen
A-0560		Undated document titled: Cell entries from various customer-specific financial reports, for the purpose of causation and damages analysis	McMillan, Eileen

ORACLE USA, INC. ET AL. v SAP AG ET AL.

USDC -- NORTHERN DIST. OF CALIFORNIA

Case No. C 07 1658 PJH (EDL)

DEFENDANTS' TRIAL EXHIBITS FOR NEW TRIAL

Exhibit No.	Bates Range	Description	Sponsoring Witness
A-0561	ORCL00278144	Undated spreadsheet re: WS1 Contract Detail by Customer - Yazaki North America - OK13 Contract Details.xls, for the purpose of causation and damages analysis	McMillan, Eileen
A-0562	ORCL00278144	Undated spreadsheet re: ABF Grain Products Limited_PS20 - ABF Grain Products Limited_PS202231- GB.csv, for the purpose of causation and damages analysis	McMillan, Eileen
A-0563	ORCL00278144	Undated spreadsheet re: WS1 Contract Detail by Customer - SPX Corporation - OK13 Contract Details.xls, for the purpose of causation and damages analysis	McMillan, Eileen
A-0564	ORCL00278144	Undated spreadsheet re: Informatica_1732908 - Informatica_1732908.csv, for the purpose of causation and damages analysis	McMillan, Eileen
A-0565	ORCL00278144	Undated spreadsheet re: ABF Grain Products Limited_PS20 - ABF Grain Products Limited_PS202231- GB.csv, for the purpose of causation and damages analysis	McMillan, Eileen
A-0566	ORCL00278144	Undated spreadsheet re: Wakefern Food Corporation_20968 - Wakefern Food Corporation_209683.csv, for the purpose of causation and damages analysis	McMillan, Eileen
A-0567	ORCL00278144	Undated spreadsheet re: WS1 Contract Detail by Customer - Rockwell Automation - OK13 Contract Details.xls, for the purpose of causation and damages analysis	McMillan, Eileen

ORACLE USA, INC. ET AL. v SAP AG ET AL.

USDC -- NORTHERN DIST. OF CALIFORNIA

Case No. C 07 1658 PJH (EDL)

DEFENDANTS' TRIAL EXHIBITS FOR NEW TRIAL

Exhibit No.	Bates Range	Description	Sponsoring Witness
A-0568	ORCL00278144	Undated spreadsheet re: Wakefern Food Corporation_20968 - Wakefern Food Corporation_209683.csv, for the purpose of causation and damages analysis	McMillan, Eileen
A-0596	ORCL00516125 - ORCL00516133	09/01/05 e-mail from D. Kehring to C. Rozwat et al., re: Acquisition Integration Scorecard, for the purpose of causation and damages analysis	Kehring, Douglas; McDermott, Bill
A-0597	ORCL00516125- 133; ORCL00560131- 178; ORCL00365014- 083; ORCL00560179- 264; ORCL00230395- 414; ORCL00559859- 886; ORCL00560285- 302; ORCL00559887- 934; ORCL00559935; ORCL00559936-966	09/01/05 e-mail from D. Kehring to C. Rozwat, et al., re: Acquisition Integration Exhibit (Composite Exhibit), for the purpose of causation and damages analysis	Ellison, Larry; Catz, Safra; Kehring, Douglas
A-0633	ORCL00549575	04/22/06 e-mail from J. Sim to K. Tillman, for the purpose of supporting defenses	Sim, Judith
A-0637	ORCL00485843	Undated spreadsheet maintained by M. Van Boening re: win-backs of lost Oracle customers, for the purpose of causation and damages analysis	Van Boening, Michael; Clarke, Stephen

ORACLE USA, INC. ET AL. v SAP AG ET AL.**USDC -- NORTHERN DIST. OF CALIFORNIA**

Case No. C 07 1658 PJH (EDL)

DEFENDANTS' TRIAL EXHIBITS FOR NEW TRIAL

Exhibit No.	Bates Range	Description	Sponsoring Witness
A-0643	ORCL00303696 - ORCL00303698	03/14/05 e-mail from J. Blackford to R. Cummins, N. Lyskawa and M. Crossman re: customer inquiry about Klee & Associates, for the purpose of causation and damages analysis	Van Boening, Michael
A-0644	ORCL00188680 - ORCL00188681	01/11/07 e-mail from R. Cummins to M. Van Boening, R. Lachs, and R. Romano re: Oracle customer concerns, for the purpose of causation and damages analysis	Cummins, Richard; Van Boening, Michael
A-0646	TN-OR00007484 - TN-OR00007498	08/01/05 Support Services Agreement between Lexmark and TomorrowNow, for the purpose of causation and damages analysis	O'Donnell, Jeffrey
A-0647	TN-OR06485783 - TN-OR06485792	05/05/05 Report by Customer re: LEXMARK: Request For Proposal, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record; O'Donnell, Jeffrey
A-0649	ORCL00043517	01/22/03 Addendum amending Software License Agreements between JDE and Lexmark International, Inc., for the purpose of causation and damages analysis	O'Donnell, Jeffrey
A-0651	ORCL00034270; ORCL00034195	Undated Aria People Search Oracle Organization Chart re: organization of license sales group, for the purpose of showing Oracle's infrastructure	Block, Keith
A-0670	ORCL00583894 - ORCL00583897	Addendum No. 2 to the License Agreement of (OFS/OEMEA), for the purpose of causation and damages analysis	Kishore, Ann

ORACLE USA, INC. ET AL. v SAP AG ET AL.

USDC -- NORTHERN DIST. OF CALIFORNIA

Case No. C 07 1658 PJH (EDL)

DEFENDANTS' TRIAL EXHIBITS FOR NEW TRIAL

Exhibit No.	Bates Range	Description	Sponsoring Witness
A-0726		10/12/98 Article in Information Week, entitled "ERP: the Corporate Ecosystem," for the purpose of causation and damages analysis	Brazile, Steven
A-0727		09/11/00 Article in Information Week, entitled "IT: Always In Good Taste," for the purpose of causation and damages analysis	Brazile, Steven
A-0728		02/11/05 Article in the New York Times, entitled "Reorganizing at Sara Lee Includes a New Chief," for the purpose of causation and damages analysis	Brazile, Steven
A-0729		09/12/07 Article in Beverage Daily.com entitled "Sara Lee plans coffee kick to beverages," for the purpose of causation and damages analysis	Brazile, Steven
A-0730	TN-OR 02985783 - TN-OR 02985824	12/21/07 Support Services Agreement between Sara Lee and TomorrowNow, for the purpose of causation and damages analysis	Brazile, Steven
A-0745	AM0001 - AM0015	12/18/05 Support Services Agreement Between Amgen and TN, for the purpose of causation and damages analysis	Restmeyer, Dan
A-0760	ORCL00041412	06/18/03 Letter from K. Maddock to A. Echaliere regarding the Cessation of Software Support Services, for the purpose of causation and damages analysis	Bailey, Thomas
A-0764	HII 00018 - HII 00020	03/22/06 e-mail from F. Miller to T. Bailey and W. Walden regarding Urgent Steps for support services at TomorrowNow, for the purpose of causation and damages analysis	Bailey, Thomas

ORACLE USA, INC. ET AL. v SAP AG ET AL.**USDC -- NORTHERN DIST. OF CALIFORNIA**

Case No. C 07 1658 PJH (EDL)

DEFENDANTS' TRIAL EXHIBITS FOR NEW TRIAL

Exhibit No.	Bates Range	Description	Sponsoring Witness
A-0765	HII 00001 - HI 00002	03/28/06 e-mail from M. Dumpert to C. Provine and several others regarding support being dropped, for the purpose of causation and damages analysis	Bailey, Thomas
A-0771	HII 02950 - HII 02955	07/29/08 Presentation titled "PeopleSoft Support Post TomorrowNow," for the purpose of causation and damages analysis	Bailey, Thomas
A-0776	TN- BAKERBOTTS0000 0757 - TN- BAKERBOTTS0000 0758	06/27/06 e-mail from S. Phillips to D. Garrett, for the purpose of supporting defenses, and causation and damages analysis	Hallenberger, Tracy
A-0777	TN- BAKERBOTTS0000 0751 - TN- BAKERBOTTS0000 0753	06/29/06 e-mail from S. Phillips to D. Garrett, for the purpose of causation and damages analysis	Hallenberger, Tracy
A-0863	ORCL00454965 - ORCL00454975	09/01/04 e-mail from N. Lyskawa to A. Allbritten, CS Managers: Customer Services, B. Ransom re: Competitive Information on 3rd party grey market providers, for the purpose of supporting defenses and causation and damage analysis	Crossman, Meeia; Lyskawa, Nancy
A-1327		01/09/09 Defendant TomorrowNow, Inc.'s Supplemental Exhibit 1 to its First Set of Requests for Production and Interrogatories to Plaintiffs, for the purpose of causation and damages analysis	Ravin, Seth

ORACLE USA, INC. ET AL. v SAP AG ET AL.

USDC -- NORTHERN DIST. OF CALIFORNIA

Case No. C 07 1658 PJH (EDL)

DEFENDANTS' TRIAL EXHIBITS FOR NEW TRIAL

Exhibit No.	Bates Range	Description	Sponsoring Witness
A-1329	ORCL00145488 - 94; ORCL00145542 - 45; ORCL00145531 - 32; ORCL00375285 - 87; ORCL00145551; ORCL00145519; ORCL00145516 - 18; ORCL00145482 - 83; ORCL00145478 - 80; ORCL00145472 - 74; ORCL00145461 - 64; ORCL00145470 - 71; ORCL00145458 - 60; ORCL00145522 - 24; ORCL00145466 - 68; ORLC00145465; ORCL00145525 - 27; ORCL00145548 - 49; ORCL00145528; ORCL00145477; ORCL00145520; ORCL00145534; ORCL00145536; ORCL00178724 - 28	Compilation of Software End User License and Services Agreement between PeopleSoft, Inc. and Pepsi-Cola General Bottlers, Inc., for the purpose of supporting defenses, and causation and damages analysis	Kreul, John

ORACLE USA, INC. ET AL. v SAP AG ET AL.

USDC -- NORTHERN DIST. OF CALIFORNIA

Case No. C 07 1658 PJH (EDL)

DEFENDANTS' TRIAL EXHIBITS FOR NEW TRIAL

Exhibit No.	Bates Range	Description	Sponsoring Witness
A-1332	TN- PEPSIAM0000042 - TN- PEPSIAM0000053	10/10/05 e-mail from J. Kreul to J. Brown and S. Nehs re: PeopleSoft Maintenance Contract, attaching PS Maintenance Recommendation - Final.ppt, for the purpose of supporting defenses, and causation and damages analysis	Kreul, John; Clarke, Stephen
A-1339	TN- PEPSIAM0000083 - TN- PEPSIAM0000084	11/16/07 e-mail from J. Kreul to J. Kreul, K. Johnsen and S. Nehs re: TomorrowNow Update, for the purpose of supporting defenses, and causation and damages analysis	Kreul, John; Clarke, Stephen
A-1527	TN-MCL00120 - TN-MCL00121	Undated Order Approving Support Service Agreement: TomorrowNow Inc., and Approval of Order Relative to a Sole Source Designation and Granting Exceptions from Competitive Building, for the purpose of causation and damages analysis	Wasson, Robert
A-1560	TN-OR00007818- 30; TN- OR01780329-39; TN-OR01787868; TN-OR00007842- 43; TN- NBCUNIV00000011 -13	Compilation of Extended Support Services Agreements between TomorrowNow and Universal City Studios LLP, for the purpose of causation and damages analysis	Singh, Bruno
A-1563	TN-OR06083633 - TN-OR06083635	03/11/08 e-mail from B. Ludlam to S. McKnight, cc: R. Bennett, E. Osterloh, J. Sullivan and J. Guzman re: TomorrowNow Agreement Amendment - Notice of Termination, for causation and damages analysis	Singh, Bruno

ORACLE USA, INC. ET AL. v SAP AG ET AL.
USDC -- NORTHERN DIST. OF CALIFORNIA
Case No. C 07 1658 PJH (EDL)

DEFENDANTS' TRIAL EXHIBITS FOR NEW TRIAL

Exhibit No.	Bates Range	Description	Sponsoring Witness
A-1564	TN- NBCUNIV00000027	03/18/08 Letter from S. McKnight to B. Oltmans re: cancellation notice for the Support Service Agreement between the NBC Universal and TomorrowNow, for the purpose of causation and damages analysis	Singh, Bruno

ORACLE USA, INC. ET AL. v SAP AG ET AL.

USDC -- NORTHERN DIST. OF CALIFORNIA

Case No. C 07 1658 PJH (EDL)

DEFENDANTS' TRIAL EXHIBITS FOR NEW TRIAL

Exhibit No.	Bates Range	Description	Sponsoring Witness
A-1615	LEXMARK_INT000 00799; LEXMARK_INT000 00342-56; LEXMARK_INT000 00791-92; LEXMARK_INT000 00589-94; LEXMARK_INT000 00586; LEXMARK_INT000 00376; LEXMARK_INT000 00380-92; LEXMARK_INT000 00788-89; ORCL00043539-40; ORCL00043552; LEXMARK_INT000 00330-35; LEXMARK_INT000 00812-13; LEXMARK_INT000 00795-96; LEXMARK_INT000 00793-94; LEXMARK_INT000 00818-21; ORCL00043535- 36; ORCL00043624; LEXMARK_INT000 00824; ORCL00043550-51; ORCL00043531-32; ORCL00043512; ORCL00043504; ORCL00043502; ORCL00043623; ORCL00043548-49; ORCL00097432; ORCL00043509-10;	Compilation of License Agreements between Lexmark and JDE, for the purpose of causation and damages analysis	O'Donnell, Jeffrey

ORACLE USA, INC. ET AL. v SAP AG ET AL.

USDC -- NORTHERN DIST. OF CALIFORNIA

Case No. C 07 1658 PJH (EDL)

DEFENDANTS' TRIAL EXHIBITS FOR NEW TRIAL

Exhibit No.	Bates Range	Description	Sponsoring Witness
	ORCL00043506-8; ORCL00043545-47; ORCL00043518-22; LEXMARK_INT000 00802-03; LEXMARK_INT000 00610		
A-1621	LEXMARK_INT000 00060 - LEXMARK_INT000 00061	08/19/08 e-mail from D. Snowden to S. Trall-Likov and J. O'Donnell, Fw: JDEtips Support (Klee Assoc.), for the purpose of causation and damages analysis	O'Donnell, Jeffrey
A-1726	HII 00428 - HII 00429	10/11/05 e-mail from M. Dumpert to J. Pollakoff re: TomorrowNow quote to Honeywell, for the purpose of causation and damages analysis	Bailey, Thomas
A-1727	HII01967 - HII01986	11/25/06 Support Services Agreement, Appendix A and Amendment one, for the purpose of causation and damages analysis	Bailey, Thomas
A-1728	HII 00426 - HII 00427	08/23/06 e-mail from M. Dumpert to J. Neville re: incentive program details, for the purpose of causation and damages analysis	Bailey, Thomas
A-1728-1	HII 00426 - HI 00427	8/23/06 e-mail from M. Dumpert to J. Neville re: incentive program details, 12/7/07 subpoena from Oracle and 05/08/08 transmittal letter from Honeywell, for the purpose of causation and damages analysis	Bailey, Thomas
A-1738	ORCL00020230 - ORCL000020234	09/30/98 Software License and Services Agreement, between Baker Botts and PeopleSoft, for the purpose of supporting defenses, and causation and damages analysis	Hallenberger, Tracy

ORACLE USA, INC. ET AL. v SAP AG ET AL.**USDC -- NORTHERN DIST. OF CALIFORNIA**

Case No. C 07 1658 PJH (EDL)

DEFENDANTS' TRIAL EXHIBITS FOR NEW TRIAL

Exhibit No.	Bates Range	Description	Sponsoring Witness
A-1744	TN-OR00173285 - TN-OR00173287	06/22/06 e-mail from W. Walden to D. Garrett re: onboarding, for the purpose of showing TomorrowNow's policies and procedures	Hallenberger, Tracy
A-2041		05/10/10 Declaration of A. Birrenbach of Rotkappchen Sektkellerei GmbH, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul
A-2042-1	SAP-SKC-118343	05/04/10 Declaration of Daniel A. Clark of NewPage Corporation, for the purpose of causation and analysis	Clarke, Stephen
A-2046	SAP-SKC-117959 - SAP-SKC-118029	10/22/09 Presentation re: RFP No. 10-63-12 prepared by CedarCrestone, Inc., for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-2047	SAP-SKC-118340	04/05/10 Declaration of R. Ball of Standard Register, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul
A-2048	SAP-SKC-118341 - SAP-SKC-118342	04/30/10 Declaration of B. Short of Amsted Rail Company, Inc., for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul
A-2049	SAP-SKC-118344 - SAP-SKC-118354	03/04/10 Declaration of K. Sauer re: Cowlitz Co., for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Sauer, Kathy
A-4003	ORCL00033719 - ORCL00033751	12/01/06 e-mail from R. Cummins to C. Lohead et al., re: Oracle support sales competition, for the purpose of causation and damages analysis	Cummins, Richard; Crossman, Meeia
A-4019	ORCL00182780 - ORCL00182784	03/14/07 e-mail from R. Cummins to C. Penfield re: PeopleSoft support cancellations, for the purpose of causation and damages analysis	Cummins, Richard

ORACLE USA, INC. ET AL. v SAP AG ET AL.

USDC -- NORTHERN DIST. OF CALIFORNIA

Case No. C 07 1658 PJH (EDL)

DEFENDANTS' TRIAL EXHIBITS FOR NEW TRIAL

Exhibit No.	Bates Range	Description	Sponsoring Witness
A-4045	TN-OR03523871 - TN-OR03523924	10/31/08 Report by M. White, M. Breuer, A. Van Wissen, T. Nolan, E. Yavar, T. Harper, J. Guzman re: TomorrowNow Operations Wind Down: Final Report, for the purpose of showing TomorrowNow's business model, policies and procedures, causation and damages analysis	Breuer, Martin; White, Mark; Brandt, Werner; Clarke, Stephen
A-4054	AOSMITH001224 - AOSMITH001226	Undated document re: "PeopleSoft Support Alternatives," for the purpose of causation and damages analysis	Custodian or Declarant of Record; Clarke, Stephen
A-4068	ORCL00089576 - ORCL00089578	06/21/05 e-mail from R. Cummins to S. Moses-Reed re: discounting maintenance, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul
A-4089	ORCL00744446 - ORCL00744448	03/25/05 e-mail from J. Henley to S. Catz re: at-risk customers, for the purpose of causation and damages analysis	Clarke, Stephen; Catz, Safra; Ellison, Larry; Meyer, Paul
A-4670	SAP-SKC-118356 - SAP-SKC-118357	07/27/10 Declaration of A. Harten of Haworth, Inc., for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul
A-4697	ORCL00305579 - ORCL00305580	04/21/05 e-mail from T. Sanders to M. Crossman and N. Lyskawa re: Third Party Ammunition, for the purpose of causation and damages analysis	Crossman, Meeia; Custodian or Declarant of Record
A-5002-1	AM0285 - AM0288	10/27/05 e-mail from B. Pickering to C. Trent; J. Block re: TomorrowNow JDE Maintenance Support, Declaration, Revised Subpoena and a Transmittal Letter with Privilege Log forwarding documents, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record

ORACLE USA, INC. ET AL. v SAP AG ET AL.

USDC -- NORTHERN DIST. OF CALIFORNIA

Case No. C 07 1658 PJH (EDL)

DEFENDANTS' TRIAL EXHIBITS FOR NEW TRIAL

Exhibit No.	Bates Range	Description	Sponsoring Witness
A-5004	AOSMITH000446 - AOSMITH000447	09/05/06 Letter from S. Ravin to D. Saalfeld re: PeopleSoft Support Options More Responsive Service and 50% Cost Savings, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-5005	AOSMITH000485 - AOSMITH000487	05/01/06 Letter from S. Ravin to D. Saalfeld re: Important Information PeopleSoft Support Changes, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-5042	ORCL00009643	06/19/06 e-mail from B. Allario to R. Lachs re: Stora Enso Update, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record; Cummins, Richard
A-5043-1	ORCL00009980 - ORCL00009983	05/14/05 e-mail from cussrvop_us@Oracle to several recipients forwarding a 05/12/05 Strategy Document by Oracle re: Third-Party Support Competitive Update, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-5058	ORCL00012138 - ORCL00012139	02/16/07 e-mail from L. Sanabria to C. Barradas re: VanguardMS - Oracle JDE Renewal, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-5059	ORCL00012451 - ORCL00012473	Undated presentation by Oracle re: Oracle Support Services, The Best Protection Money Can Buy, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record

ORACLE USA, INC. ET AL. v SAP AG ET AL.**USDC -- NORTHERN DIST. OF CALIFORNIA**

Case No. C 07 1658 PJH (EDL)

DEFENDANTS' TRIAL EXHIBITS FOR NEW TRIAL

Exhibit No.	Bates Range	Description	Sponsoring Witness
A-5142-1	ORCL00032265 - ORCL00032270	07/13/06 e-mail from M. Schlimgen to J. Wookey, cc: E. Enriquez, re: Daily Status Report July, 12, 2006 attaching the 06/27/06 Executive Briefing by Oracle re: Executive Briefing Document, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-5145-1	ORCL00032577 - ORCL00032586	02/05/05 e-mail from P. Silveria to J. Wookey and J. Summers forwarding the 01/28/05 Strategy Document by Oracle/PS re: Competitive Marketing Strategy - Support Services Customer Retention v. 5, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-5146	ORCL00032753	05/10/06 Spreadsheet by Oracle re: 3rd_party_Risk_Analysis_05-10-06.xls, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record; Cummins, Richard
A-5149-1	ORCL00033227 - ORCL00033231	01/26/05 e-mail from M. Lusher to several individuals forwarding an Undated Internal Document by Oracle re: Analyst Conversations on Support, 1/25, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-5151-1	ORCL00033394-95; ORCL00033435- ORCL00033485	10/25/05 e-mail from K. Kelly to C. Phillips and several others forwarding the 10/01/05 Executive Briefing Documents by Oracle re: Oracle CIO Advisory Board Meeting, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record

ORACLE USA, INC. ET AL. v SAP AG ET AL.

USDC -- NORTHERN DIST. OF CALIFORNIA

Case No. C 07 1658 PJH (EDL)

DEFENDANTS' TRIAL EXHIBITS FOR NEW TRIAL

Exhibit No.	Bates Range	Description	Sponsoring Witness
A-5152-1	ORCL00033640 - ORCL00033643	05/10/05 e-mail from C. Bolt to J. Wookey cc: D. Souza, E. Enriquez and M. Becci re: Merck - have not made a enterprise decision yet, attaching the 04/17/05 Executive Briefing by Oracle re: NA Executive Briefing, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-5162	ORCL00090058 - ORCL00090059	03/02/06 e-mail from E. Shippy to T. Maxwell and J. Cunningham re: IN Touch, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-5185	ORCL00185406 - ORCL00185411	01/17/06 e-mail from R. Cummins to Y. Torres re: [Fwd: NASA accounts CURRENTLY under threat], for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-5188	ORCL00185607 - ORCL00185613	02/17/06 e-mail from J. Blackford to L. Bernstein re: [Fwd: REVISED: Anti SAP Update Feb 10th], for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-5193	ORCL00185753 - ORCL00185754	03/28/06 e-mail from J. McLeod to R. Cummins re: List of Q4 Accounts > \$250K at Risk of Cancellation, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record; Cummins, Richard
A-5199	ORCL00186634 - ORCL00186635	07/25/06 e-mail from R. Lachs to E. Ambre Approvals re: Englehard Corporation - Urgent Scrub Matter, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record; Cummins, Richard
A-5201	ORCL00187782 - ORCL00187784	10/09/06 e-mail from J. Taylor to R. Cummins and P. McMillan re: Autoliv, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record

ORACLE USA, INC. ET AL. v SAP AG ET AL.**USDC -- NORTHERN DIST. OF CALIFORNIA**

Case No. C 07 1658 PJH (EDL)

DEFENDANTS' TRIAL EXHIBITS FOR NEW TRIAL

Exhibit No.	Bates Range	Description	Sponsoring Witness
A-5211-1	ORCL00189145 - ORCL00189152	03/28/05 e-mail from J. Petraglia to R. Cummins forwarding the 03/25/05 Report by Oracle re: Support Services Strategy Prepaid Support Program Retention of World and Third Party Market Customers, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-5224	ORCL00383943	Undated spreadsheets by Oracle re: OKI3 files for Apria Health Care, Education Direct, and Nitta Casings, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-5228	ORCL00390398 - ORCL00390399	11/08/06 e-mail from K. Sullivan to J. Schiff re: Merck Support Renewal, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record; Ransom, Buffy; Jones, Juan
A-5234	ORCL00392375 - ORCL00392406	12/20/04 Internal document by Oracle re: Recommendations for PeopleSoft World Business Moving Forward, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-5242-1	ORCL00399453 - ORCL00399456	04/04/05 e-mail from M. Goldsmith to A. Jesper and S. Higby cc: P. Daly forwarding the 04/05/05 Executive Briefing by Oracle re: Executive Briefing Document, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-5512-1	ORCL00088176 - ORCL00088181	03/24/05 e-mail from N. Lyskawa to several recipients forwarding an Undated Strategy Document by PS re: ORACLE/PeopleSoft, Third Party Support SWAT Team, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record

ORACLE USA, INC. ET AL. v SAP AG ET AL.

USDC -- NORTHERN DIST. OF CALIFORNIA

Case No. C 07 1658 PJH (EDL)

DEFENDANTS' TRIAL EXHIBITS FOR NEW TRIAL

Exhibit No.	Bates Range	Description	Sponsoring Witness
A-5623	ORCL00104344 - ORCL00104347	01/31/07 e-mail from E. Shippy to S. Chilakapati re: RE: Third Party Risk, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-5626	ORCL00126524 - ORCL00126529	01/16/06 e-mail from C. Bolt to M. Mills re: Re: [Fwd: Tomorrow Now - discussion with Oracle Support/On Demand team re: our current Policies and Business Practices], for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-5634	ORCL00127352	03/13/06 e-mail from J. Byckowski to D. Rogers re: RE: AT RISK CLIENT: Zimmer Expansion: Updated Ordering Document, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-5638	ORCL00128060 - ORCL00128061	06/10/06 e-mail from K. Attias to R. Lachs re: Trends International is angry about the reinstatement fees, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-5640	ORCL00128197 - ORCL00128201	06/13/06 e-mail from J. Steder to C. Hummel re: Re: Haworth CVC, for the purpose of causation and damages analysis	Clarke, Stephen; Jones, Juan; Custodian or Declarant of Record; Phillips, Charles; Cummins, Richard
A-5641	ORCL00128251 - ORCL00128253	06/21/06 e-mail from K. Attias to R. Lachs re: FW: Trends International Executive Summary, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record

ORACLE USA, INC. ET AL. v SAP AG ET AL.

USDC -- NORTHERN DIST. OF CALIFORNIA

Case No. C 07 1658 PJH (EDL)

DEFENDANTS' TRIAL EXHIBITS FOR NEW TRIAL

Exhibit No.	Bates Range	Description	Sponsoring Witness
A-5649	ORCL00129385 - ORCL00129386	11/17/06 e-mail from R. Lachs to R. Cummins re: FW: Engelhard Corp. (Oracle Annual Support Renewals), for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record; Cummins, Richard
A-5655	ORCL00130017	05/08/07 e-mail from P. Nicholson to R. Lachs re: Oracle Support Renewal Activity, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-5658	ORCL00130364 - ORCL00130402	07/12/05 Presentation by Oracle re: Madsen Director's Meeting, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-5661	ORCL00130414 - ORCL00130416	08/15/06 Executive Summary from PS re: Request: Waive 50% reinstatement penalty for the period 1/1/04-8/15/06 for Southwest Recreational Industries, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-5663	ORCL00131228 - ORCL00131232	08/26/04 Report by Oracle re: North America Team Status Report (Rob's Team), for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-5672-1	ORCL00136499 - ORCL00136503	04/20/06 e-mail from M. Crossman to R. Lachs and copying other recipients forwarding an Undated Presentation by Oracle re: Projected Third Party Risk, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-5707	ORCL00148172 - ORCL00148173	05/18/07 e-mail from P. Nicholson to R. Lachs re: Re: Oracle Support Renewal Activity, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record

ORACLE USA, INC. ET AL. v SAP AG ET AL.

USDC -- NORTHERN DIST. OF CALIFORNIA

Case No. C 07 1658 PJH (EDL)

DEFENDANTS' TRIAL EXHIBITS FOR NEW TRIAL

Exhibit No.	Bates Range	Description	Sponsoring Witness
A-5774	ORCL00160114	11/01/05 Spreadsheet by Oracle re: 3rd party Risk Analysis 11-1-051A.xls, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-5827	ORCL00182769 - ORCL00182771	12/05/06 e-mail from J. McLeod to R. Lachs re: Engelhard \$2.1M Quota Relief J.McLeod, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record; Cummins, Richard
A-5829	ORCL00182856 - ORCL00182858	11/15/06 e-mail from R. Bruno to K. Stevens re: Education Direct Oracle Support Services Renewal, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-5837-1	ORCL00184372 - ORCL00184378	10/14/05 e-mail from R. Cummins to C. Madsen cc: J. Blackford forwarding the 10/14/05 Executive Summary by Oracle re: PeopleSoft Executive Summary, for the propose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-5860	ORCL00201191	11/20/06 e-mail from R. Lachs to R. Cummins re: Explanation of Reduced Revenue Potential, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record; Cummins, Richard
A-5865	ORCL00201396 - ORCL00201397	11/15/06 e-mail from R. Romano to R. Cummins re: Exec Summary - Advantis Technologies, Inc. - 2-year flatline - GA, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-5866	ORCL00201492 - ORCL00201496	01/31/07 e-mail from R. Romano to R. Cummins re: Request to cancel support for Distribution & Auto, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record

ORACLE USA, INC. ET AL. v SAP AG ET AL.**USDC -- NORTHERN DIST. OF CALIFORNIA**

Case No. C 07 1658 PJH (EDL)

DEFENDANTS' TRIAL EXHIBITS FOR NEW TRIAL

Exhibit No.	Bates Range	Description	Sponsoring Witness
A-5867	ORCL00201594 - ORCL00201595	04/04/07 e-mail from R. Romano to R. Cummins re: Finance Report, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-5870	ORCL00201859 - ORCL00201864	10/26/06 e-mail from J. Rowe-McCune to R. Cummins re: ACS services available for Alcon, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-5882	ORCL00203857 - ORCL00203858	04/22/05 e-mail from M. Gorski to S. Trieloff, C. Vogt and R. Lachs re: Lexmark International - At Risk Update, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-5889	ORCL00204026 - ORCL00204028	06/29/05 e-mail from M. Gorski to R. Cummins; R. Lachs re: Lexmark - Executive Summary, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-5898	ORCL00205152	07/10/06 e-mail from R. Lachs to R. Cummins re: Urgent, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record; Cummins, Richard
A-5899	ORCL00205232	08/15/06 e-mail from R. Lachs to R. Cummins re: SW Recreational Reinstatement Exec Summary 8-15-06.doc, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-5903	ORCL00206139	10/25/05 e-mail from J. Blackford to R. Cummins and C. Madsen re: FW: Eriez Magnetics Support Reinstatement - Approval Request, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record

ORACLE USA, INC. ET AL. v SAP AG ET AL.

USDC -- NORTHERN DIST. OF CALIFORNIA

Case No. C 07 1658 PJH (EDL)

DEFENDANTS' TRIAL EXHIBITS FOR NEW TRIAL

Exhibit No.	Bates Range	Description	Sponsoring Witness
A-5906	ORCL00206529 - ORCL00206531	12/31/05 e-mail from J. Blackford to ossinfo_us_appr re: Abitibi Executive Summary, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record; Cummins, Richard
A-5943	ORCL00237835 - ORCL00237838	11/22/06 e-mail from B. Hutchison to T. Chapel re: Distribution and Auto- World call?, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-5984	ORCL00268369 - ORCL00268406	01/01/05 Presentation by J. Wookey of Oracle re: Oracle & PeopleSoft Combined Launch, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-5989	ORCL00270517 - ORCL00270519	10/20/05 e-mail from S. Marcom to J. Cooper re: Merck - SAP, for the purpose of causation and damages analysis	Clarke, Stephen; Lyskawa, Nancy; Custodian or Declarant of Record; Jones, Juan; Cummins, Richard
A-5992	ORCL00271472	09/06/05 e-mail from J. Rottler to T. HoonJuay, G. Miller and C. Hummel re: Welcome to JDEtips: ERP Life Cycle Services For JD Edwards World and EnterpriseOne Clients, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-5995	ORCL00272832 - ORCL00272837	05/11/06 e-mail from K. Lindsey to C. Madsen and J. Jones re: READ -- FYI Haworth response to Oracle proposal, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record; Jones, Juan; Cummins, Richard

ORACLE USA, INC. ET AL. v SAP AG ET AL.

USDC -- NORTHERN DIST. OF CALIFORNIA

Case No. C 07 1658 PJH (EDL)

DEFENDANTS' TRIAL EXHIBITS FOR NEW TRIAL

Exhibit No.	Bates Range	Description	Sponsoring Witness
A-5996-1	ORCL00272866 - ORCL00272875	05/06/06 e-mail from J. Jones to R. Cummins forwarding 05/03/06 Executive Briefing Document by Oracle re: Executive Briefing Document, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-5997	ORCL00272885 - ORCL00272886	05/04/06 e-mail from C. Tate to J. Henley re: Situation at Haworth, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record; Phillips, Charles; Cummins, Richard
A-6008-1	ORCL00274359 - ORCL00374363	03/15/07 e-mail from J. Jones to Ossinfo - Gail, et al.; 03/14/07 e-mail from A. Taylor to K. Lindsey and C. Burr; 03/13/07 e-mail from C. Burr to A. Taylor all forwarding the 03/14/07 Executive Summary by Oracle re: No Title, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-6022	ORCL00277917 - ORCL00277918	09/08/06 e-mail from P. Mahoney to D. Sirkot re: Baxter, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-6023	ORCL00278144	Undated spreadsheets by Oracle re: OKI3 files for various customers, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-6028	ORCL00282625 - ORCL00282629	04/11/05 e-mail from S. Scholl to F. Albert, J. Andersen and J. Wookey re: 11 MAY**CVC CONFIRMED REQUEST**(DM) ABITIBI CONSOLIDATED - 8:30 am - 12:00, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record; Burke, John; Andersen, Jesper

ORACLE USA, INC. ET AL. v SAP AG ET AL.

USDC -- NORTHERN DIST. OF CALIFORNIA

Case No. C 07 1658 PJH (EDL)

DEFENDANTS' TRIAL EXHIBITS FOR NEW TRIAL

Exhibit No.	Bates Range	Description	Sponsoring Witness
A-6038	ORCL00311546 - ORCL00311549	09/14/06 e-mail from C. Hummel to H. Mueller, C. Cavanna, J. Sim, T. Forsythe, T. Weidick, K. Tillman and P. Salinger re: Recap of Buzz Mtg re: SAP Passage II Campaign, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record; Stipulated
A-6042-1	ORCL00316126 - ORCL0031629	05/20/05 e-mail from OSSINFO - Allison to B. Steelman, cc: J. Blackford re: Computer Associates, forwarding the 03/02/05 Executive Summary by Oracle re: PeopleSoft Executive Summary, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-6044	ORCL00316338 - ORCL00316347	03/02/05 e-mail from B. Allario to R. Lachs re: FW: Schedule 1 & 2 Support Summary, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-6082	ORCL00360395	10/19/05 e-mail from K. Tillman to B. Wynne, J. Gelhausen, J. Sim and L. Grant re: Heads-Up Merck, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record; Andersen, Jesper; Sim, Judith
A-6084	ORCL00361000 - ORCL00361003	03/17/05 e-mail from E. Baker to C. Phillips re: Amgen - need your help {Hassan Dayem} - time sensitive., for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record; Phillips, Charles
A-6085	ORCL00361008	03/18/05 e-mail from C. Phillips to L. Ellison re: Oracle meeting, for the purpose of causation and damages analysis	Clarke, Stephen; Ellison, Larry; Custodian or Declarant of Record; Phillips, Charles; Blotner, Richard

ORACLE USA, INC. ET AL. v SAP AG ET AL.

USDC -- NORTHERN DIST. OF CALIFORNIA

Case No. C 07 1658 PJH (EDL)

DEFENDANTS' TRIAL EXHIBITS FOR NEW TRIAL

Exhibit No.	Bates Range	Description	Sponsoring Witness
A-6086	ORCL00361642 - ORCL00361643	02/20/07 e-mail from B. Mitchell to C. Phillips re: Starhub decision point, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-6087	ORCL00361650 - ORCL00361651	02/24/07 e-mail from B. Mitchell - Approvals to HQAPP-Mike re: APAC-SG-Starhub - Approval Request for License and Consulting, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-6089	ORCL00361662 - ORCL00361664	02/25/07 e-mail from HQAPP-Mike to C. Phillips re: APAC-SG-Starhub - Approval Request for License and Consulting Pricing Reduction, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-6090	ORCL00363135 - ORCL00363142	03/22/05 e-mail from E. Baker to K. Block re: Amgen update 3/22, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record; Phillips, Charles; Block, Keith
A-6099	ORCL00365251 - ORCL00365258	03/04/06 e-mail from J. Sim to C. Phillips re: Anti Sap Update 3/3, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-6116	ORCL00370648 - ORCL00370654	02/29/04 e-mail from C. Barradas to A. Ninis re: No Title, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-6142	ORCL00381655	Undated spreadsheets by Oracle re: OKI3 files for various customers, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record

ORACLE USA, INC. ET AL. v SAP AG ET AL.

USDC -- NORTHERN DIST. OF CALIFORNIA

Case No. C 07 1658 PJH (EDL)

DEFENDANTS' TRIAL EXHIBITS FOR NEW TRIAL

Exhibit No.	Bates Range	Description	Sponsoring Witness
A-6143	ORCL00381846 - ORCL00381847	12/22/03 e-mail from B. Schiff to R. Cummins re: Merck Demand for Approximately 50% Discount on 2004 and Future Maintenance Invoices, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record; Cummins, Richard
A-6175	ORCL00400500	Undated spreadsheets by Oracle re: OKI3 files for various customers, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-6189	ORCL00405050	11/28/05 e-mail from M. Van Boening to J. Blackford re: Executive Summary - Amgen, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record; Cummins, Richard; Van Boening, Michael
A-6190-1	ORCL00405057 - ORCL00405059	10/07/05 e-mail from M. Van Boening to J. Blackford forwarding a 01/01/06 Proposal by Oracle re: Amgen, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-6205-1	ORCL00424010-11; ORCL00424013-27	07/14/05 e-mail from Ossinfo - Allison to Ossinfo_us_appr@Oracle forwarding a 06/10/05 Presentation by R. Cummins of Oracle re: Maintenance At Risk Analysis: PeopleSoft/J.D.Edwards Customer Base, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record; Cummins, Richard
A-6209	ORCL00427952 - ORCL00427954	03/11/05 Article by P. Hamerman and J. Harrington of F. Research re: Third-Party Application Support Promises Lower Costs, with Tradeoffs: Oracle's PeopleSoft Acquisition Boosts an Emerging Market, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record

ORACLE USA, INC. ET AL. v SAP AG ET AL.**USDC -- NORTHERN DIST. OF CALIFORNIA**

Case No. C 07 1658 PJH (EDL)

DEFENDANTS' TRIAL EXHIBITS FOR NEW TRIAL

Exhibit No.	Bates Range	Description	Sponsoring Witness
A-6222	ORCL00467164	02/08/05 e-mail from T. Chapel to J. Blackford re: Eriez Magnetics Versytec Attack, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-6223	ORCL00467687 - ORCL00467690	02/04/04 e-mail from P. Nicholson to R. Gupta re: PeopleSoft and Acushnet, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-6232	ORCL00480669 - ORCL00480674	08/29/06 e-mail from OSSINFO - Kevin to J. Rottler re: TomorrowNow threat: Home Depot Executive Summary, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-6258	ORCL00498349	07/21/08 Spreadsheet by Oracle re: Losses with back maintenance - Master.xls, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-6261	ORCL00502032 - ORCL00502034	03/17/05 e-mail from B. McGann to T. Lim re: FW: StarHub call brief and follow-up items - Jim Patrice, Rich Holada and Kari Dimler - I need your help, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-6267	ORCL00511151 - ORCL00511152	01/31/05 e-mail from C. Jensen to D. Hare re: HR 8.SP1 complaints, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-6286	ORCL00522486 - ORCL00522489	11/29/06 e-mail from D. Howell-Watkins to T. Peterson and B. Barrett re: Rockwell Automation - Oracle Maintenance Renewal - Acknowledgements - Request to Acct Team, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record

ORACLE USA, INC. ET AL. v SAP AG ET AL.**USDC -- NORTHERN DIST. OF CALIFORNIA**

Case No. C 07 1658 PJH (EDL)

DEFENDANTS' TRIAL EXHIBITS FOR NEW TRIAL

Exhibit No.	Bates Range	Description	Sponsoring Witness
A-6287	ORCL00522490 - ORCL00522495	11/30/06 e-mail from D. Howell-Watkins to A. Rago re: Rockwell Automation - Oracle Maintenance Renewal - Request Approval, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-6288	ORCL00522556	Undated spreadsheets by Oracle re: OKI3 files for various customers, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-6297	ORCL00546412	Undated spreadsheets by Oracle re: OKI3 files for various customers, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-6298	ORCL00546413	Undated spreadsheets by Oracle re: OKI3 files for JDA Software and THI Baltimore, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-6301	ORCL00546658	Undated spreadsheets by Oracle re: OKI3 files for General Electric and Vivendi Universal, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-6305	ORCL00570177	Undated spreadsheets by Oracle re: OKI3 files for various customers, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-6327	ORCL00643580 - ORCL00643581	04/19/06 e-mail from D. Fuksa to C. Swan re: Baxter - Retirement of PeopleSoft Enterprise 8.0 SP1 - March 2007, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-6329-1	ORCL00647144 - ORCL00647147	11/02/04 e-mail from K. Block to J. Henley re: ca/jeff clarke, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record

ORACLE USA, INC. ET AL. v SAP AG ET AL.

USDC -- NORTHERN DIST. OF CALIFORNIA

Case No. C 07 1658 PJH (EDL)

DEFENDANTS' TRIAL EXHIBITS FOR NEW TRIAL

Exhibit No.	Bates Range	Description	Sponsoring Witness
A-6383	ORCL00688020 - ORCL00688021	03/15/05 e-mail from P. Duggan to C. Drew re: Approval needed - downsize and partial waiver of the v6 uplift for Standard Register, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-6394	ORCL00704378	Undated spreadsheets by Oracle re: OKI3 file for Atral, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-6395	ORCL00704379	Undated spreadsheets by Oracle re: OKI3 file for The Interpublic Group, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-6411	ORCL00747251 - ORCL00747255	06/30/06 e-mail from M. Schlimgen to J. Henley and C. Tate re: Phone conversation between Franco and Keith Block, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record; Phillips, Charles; Block, Keith
A-6428	SAP-OR00035736 - SAP-OR00035739	Undated Sales Win Profile by SAP re: Apollo Sales Win Profile, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-6434	SAP-OR00045409 - SAP-OR00045416	5/31/06 Notes by SAP re: Sapphire Paris Safe Passage Breakfast: Briefing Document for Michael Kleinemeier, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-6445	SAP-OR00087503 - SAP-OR00087507	04/15/05 e-mail from S. Bauer to R. Knowles re: Preliminary results & Q1 customer wins, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record

ORACLE USA, INC. ET AL. v SAP AG ET AL.**USDC -- NORTHERN DIST. OF CALIFORNIA**

Case No. C 07 1658 PJH (EDL)

DEFENDANTS' TRIAL EXHIBITS FOR NEW TRIAL

Exhibit No.	Bates Range	Description	Sponsoring Witness
A-6467	SAP-OR00164993 - SAP-OR00165051	Contract file for Hitachi Global Storage, including 06/29/06 Agreement by SAP re: SOFTWARE END-USER LICENSE AGREEMENT, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-6525	SAP-OR00481771 - SAP-OR00481800	10/17/06 Report by SAP re: SAP Business Forum, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-6529	SAP-OR00490532 - SAP-OR00490542	01/01/07 Report by SAP re: Select Sales Win Summaries: Q1 2007, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-6574	SAP-OR00603615	Undated spreadsheet by SAP re: SAP Customer Report.xls, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record; Busillo, Joe
A-6619	SAP-OR00789887	Undated spreadsheet by SAP re: SAP Customer Report July 2009 Update.xls, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record; Busillo, Joe
A-6620	SAP-OR00803266 - SAP-OR00803272	08/28/08 e-mail from T. Harper to B. Ludlam; D. Walker; B. Stephens; T. Dunfee; R. Laguna; J. Feldman; H. Zwart re: Alternative support provider (ASP) updates needed, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-6622	SAP-OR00841587	10/30/09 Spreadsheet by SAP re: SAP Customer Report Updated 10-30-09.xls, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record; Busillo, Joe

ORACLE USA, INC. ET AL. v SAP AG ET AL.**USDC -- NORTHERN DIST. OF CALIFORNIA**

Case No. C 07 1658 PJH (EDL)

DEFENDANTS' TRIAL EXHIBITS FOR NEW TRIAL

Exhibit No.	Bates Range	Description	Sponsoring Witness
A-6623	SAP-OR00842981	Undated spreadsheet by SAP re: SAP_AE_0088.xls, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record; Busillo, Joe
A-6624	SAP-OR00842982	Undated spreadsheet by SAP re: SAP_AG_0001.xls, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record; Busillo, Joe
A-6625	SAP-OR00842983	Undated spreadsheet by SAP re: SAP_AU_0014.xls, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record; Busillo, Joe
A-6626	SAP-OR00842984	Undated spreadsheet by SAP re: SAP_CA_0009.xls, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record; Busillo, Joe
A-6627	SAP-OR00842985	Undated spreadsheet by SAP re: SAP_CH_0002.xls, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record; Busillo, Joe
A-6628	SAP-OR00842986	Undated spreadsheet by SAP re: SAP_DE_0023.xls, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record; Busillo, Joe
A-6629	SAP-OR00842987	Undated spreadsheet by SAP re: SAP_FR_0005.xls, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record; Busillo, Joe

ORACLE USA, INC. ET AL. v SAP AG ET AL.

USDC -- NORTHERN DIST. OF CALIFORNIA

Case No. C 07 1658 PJH (EDL)

DEFENDANTS' TRIAL EXHIBITS FOR NEW TRIAL

Exhibit No.	Bates Range	Description	Sponsoring Witness
A-6630	SAP-OR00842988	Undated spreadsheet by SAP re: SAP_HR_0082.xls, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record; Busillo, Joe
A-6631	SAP-OR00842989	Undated spreadsheet by SAP re: SAP_II_0265.xls, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record; Busillo, Joe
A-6632	SAP-OR00842990	Undated spreadsheet by SAP re: SAP_NL_0004.xls, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record; Busillo, Joe
A-6633	SAP-OR00842991	Undated spreadsheet by SAP re: SAP_NZ_0013.xls, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record; Busillo, Joe
A-6634	SAP-OR00842992	Undated spreadsheet by SAP re: SAP_PI_0224.xls, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record; Busillo, Joe
A-6635	SAP-OR00842993	Undated spreadsheet by SAP re: SAP_PS_0065.xls, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record; Busillo, Joe
A-6636	SAP-OR00842994	Undated spreadsheet by SAP re: SAP_SA_0086.xls, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record; Busillo, Joe

ORACLE USA, INC. ET AL. v SAP AG ET AL.**USDC -- NORTHERN DIST. OF CALIFORNIA**

Case No. C 07 1658 PJH (EDL)

DEFENDANTS' TRIAL EXHIBITS FOR NEW TRIAL

Exhibit No.	Bates Range	Description	Sponsoring Witness
A-6637	SAP-OR00842995	Undated spreadsheet by SAP re: SAP_SA_0087.xls, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record; Busillo, Joe
A-6638	SAP-OR00842996	Undated spreadsheet by SAP re: SAP_SG_0015.xls, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record; Busillo, Joe
A-6639	SAP-OR00842997	Undated spreadsheet by SAP re: SAP_ST_0025.xls, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record; Busillo, Joe
A-6640	SAP-OR00842998	Undated spreadsheet by SAP re: SAP_SW_0012.xls, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record; Busillo, Joe
A-6641	SAP-OR00842999	Undated spreadsheet by SAP re: SAP_US_0008.xls, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record; Busillo, Joe
A-6642	SAP-OR00861044	Undated spreadsheet by SAP re: SAP_IT_0010.xls, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record; Busillo, Joe
A-6643	SAP-OR00861045	Undated spreadsheet by SAP re: SAP_JP_0032.xls, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record; Busillo, Joe

ORACLE USA, INC. ET AL. v SAP AG ET AL.

USDC -- NORTHERN DIST. OF CALIFORNIA

Case No. C 07 1658 PJH (EDL)

DEFENDANTS' TRIAL EXHIBITS FOR NEW TRIAL

Exhibit No.	Bates Range	Description	Sponsoring Witness
A-6648	SAP-SKC-000095 - SAP-SKC-000165	10/22/09 Request for Proposal by CedarCrestone re: RFP No. 10-63-12: PEOPLESOFT MAINTENANCE & SUPPORT for Tucson Unified School District, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-6666	SAP-SKC-002452	Undated website printout by Cedar Crestone re: Partners at < http://www.cedarcrestone.com/about-partners.php >, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-6668	SAP-SKC-002460 - SAP-SKC-002461	Undated website printout by CIBER re: Partners: Oracle < http://www.ciber.com/ciber/alliances/oracle >, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-6690	SAP-SKC-003371 - SAP-SKC-003378	02/08/05 Article by A. Woodie of IT Jungle re: JDE Shops Have Plenty of Options for Third-Party Maintenance at < http://www.itjungle.com/fhs/fhs020805-story01.html >, 02/15/05 Article by A. Woodie re: Service Packs Put a Crimp in Third Party Maintenance Plans at http://www.itjungle.com/fhs/fhs021505-story01.html , for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-6722	SAP-SKC-006829 - SAP-SKC-006966	6/16/04 SEC Filing by PS re: PeopleSoft Inc. SEC File 5-42583, Amendment to Tender-Offer Solicitation/Recommendation Statement, Schedule 14D9, Ex-99.(E)(15): Exhibit (E)(15). Gary Reback, Carl & Ferrell, et al., A Hostage Taking: White Paper of PeopleSoft, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record

ORACLE USA, INC. ET AL. v SAP AG ET AL.

USDC -- NORTHERN DIST. OF CALIFORNIA

Case No. C 07 1658 PJH (EDL)

DEFENDANTS' TRIAL EXHIBITS FOR NEW TRIAL

Exhibit No.	Bates Range	Description	Sponsoring Witness
A-6770	SAP-SKC-011838 - SAP-SKC-011839	Undated website printout by Rimini Street re: Welcome to Rimini Street at < http://riministreet.com/services_overview.htm >, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-6785	SAP-SKC-011913 - SAP-SKC-011916	Undated website printout by LegacyMode re: Complete Legacy Support for PeopleSoft at < http://www.legacymode.com/docs/CompleteLegacyServicesdatasheetLMv22.pdf >, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-6797	SAP-SKC-011980 - SAP-SKC-011981	Undated website printout by Citagus re: Solutions at < http://www.citagus.com/support.htm >, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-6799	SAP-SKC-011985 - SAP-SKC-011986	Undated website printout by ContinuServe re: PeopleSoft Maintenance Solutions < http://mysite.valuebound.com/continuserve/services_solutions/people_soft.htm >, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-6808	SAP-SKC-012073	Undated website printout by Versytec re: Versytec at < http://versytec.com >, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-6814	SAP-SKC-012102 - SAP-SKC-012103	01/01/10 Website printout by Spinnaker re: JD Edwards Application Support Services at < http://www.spinnakermgmt.com/web-PDFs/Support_overview_Jan2010.pdf >, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record

ORACLE USA, INC. ET AL. v SAP AG ET AL.

USDC -- NORTHERN DIST. OF CALIFORNIA

Case No. C 07 1658 PJH (EDL)

DEFENDANTS' TRIAL EXHIBITS FOR NEW TRIAL

Exhibit No.	Bates Range	Description	Sponsoring Witness
A-6819	SAP-SKC-012140 - SAP-SKC-012141	Undated website printout by netCustomer re: About us at < http://www.netcustomer.com/about-us.asp >, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-6847	SAP-SKC-033199 - SAP-SKC-033277	09/30/04 Financial Report by PeopleSoft re: Form 10-Q, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-6856	SAP-SKC-066118 - SAP-SKC-066121	12/20/04 Article by C. Babcock of Information Week re: New Software Landscape at < http://www.informationweek.com/news/global-cio/showArticle.jhtml?articleID=55800993 >, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-6862-1	SAP-SKC-118067- 68; SAP-SKC- 118281; SAP-SKC- 118284	10/30/09 and 12/01/09 Declarations by CedarCrestone re: Statement of R. Riordan and 03/02/10 Declaration by CedarCrestone re: Declaration of B. Fees, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian of Record
A-6974	AOSMITH000444 - AOSMITH000445	12/01/06 Correspondence by Rimini Street re: PeopleSoft Support Options: Improved ROI and 50% Cost Savings, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-6975-1	AOSMITH000484	06/16/06 e-mail from M. Fustine to D. Saalfeld re: ContinuServe Corporate and Maintenance Overviews / Software Survey, subpoena and transmittal letter, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record

ORACLE USA, INC. ET AL. v SAP AG ET AL.

USDC -- NORTHERN DIST. OF CALIFORNIA

Case No. C 07 1658 PJH (EDL)

DEFENDANTS' TRIAL EXHIBITS FOR NEW TRIAL

Exhibit No.	Bates Range	Description	Sponsoring Witness
A-6977	AOSMITH000491 - AOSMITH000503	Undated Corporate Information by CedarCrestone re: PeopleSoft Application Maintenance Services and Managed Services, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-6978	AOSMITH000504 - AOSMITH000511	Undated Corporate Information by CedarCrestone re: Managed Services Overview, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-6980	AOSMITH000755 - AOSMITH000756	06/11/07 Press Release by Rimini Street re: Rimini Street Announces Delivery of 2007-C Tax and Regulatory Updates, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-6981	AOSMITH000757 - AOSMITH000758	07/02/07 Press Release by Rimini Street re: Rimini Street Doubles Client Base in First Half of 2007, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-6982	AOSMITH000865	10/23/06 Press Release by LegacyMode, LLC re: LegacyMode Provides Aftermarket Software Support for Oracle Applications (Page 1 of 2), for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-6983	AOSMITH000866	10/23/06 Press Release by LegacyMode, LLC re: LegacyMode Provides Aftermarket Software Support for Oracle Applications (Page 2 of 2), for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-6985-1	AOSMITH001000	06/28/06 Correspondence by ContinuServe re: Re: Preliminary Price Quote - PeopleSoft Maintenance Services, subpoena and transmittal letter, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record

ORACLE USA, INC. ET AL. v SAP AG ET AL.**USDC -- NORTHERN DIST. OF CALIFORNIA**

Case No. C 07 1658 PJH (EDL)

DEFENDANTS' TRIAL EXHIBITS FOR NEW TRIAL

Exhibit No.	Bates Range	Description	Sponsoring Witness
A-6986	AOSMITH001001 - AOSMITH001004	06/16/06 Report by ContinuServe re: PeopleSoft Enterprise Resource Planning System: Scope Tool for Application Maintenance Services, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-7006	TN- BAXTER00000174 - TN- BAXTER00000188	Undated presentation by Customer re: HR Transaction Service Strategy -- 3rd Party Assessment, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-7010	TN- BAXTER00000530	02/20/08 e-mail from D. Berner to D. Campagna and D. Brown re: CedarCrestone Discussion for Tax and Regulatory, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-7506	TN-OR00102231 - TN-OR00102233	05/23/06 e-mail from S. Fisher to N. Pullan re: NA World campaign - global?, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-7534	TN-OR00163798 - TN-OR00163844	04/07 Article by Loomis Group re: pressclips: TomorrowNow, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-7538	TN-OR00168035 - TN-OR00168038	07/13/06 Report by TN re: Lead Report, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-7559	TN-OR00278093	02/01/07 e-mail from D. Walker to B. Ludlam re: AO Smith, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-7565	TN-OR00304375	07/28/06 e-mail from D. Walker to D. Wilson re: Advice for Trends International, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record

ORACLE USA, INC. ET AL. v SAP AG ET AL.**USDC -- NORTHERN DIST. OF CALIFORNIA**

Case No. C 07 1658 PJH (EDL)

DEFENDANTS' TRIAL EXHIBITS FOR NEW TRIAL

Exhibit No.	Bates Range	Description	Sponsoring Witness
A-7596	TN-OR00597703 - TN-OR00597705	09/15/06 e-mail from S. Nelson to A. Nelson re: City of Flint, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-7615	TN-OR00694613 - TN-OR00694614	09/26/06 e-mail from T. O'Brien to W. Wolfgram re: Re: TomorrowNow Request for Logo, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-7674	TN-OR01738890 - TN-OR01738891	09/28/05 e-mail from Jim Carr to B. Geib; K. Williams; S. Nelson re: EBMUD Finalist Interview, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-7677	TN-OR01750674 - TN-OR01750705	08/05 Request for Proposal by Customer re: REQUEST FOR PROPOSAL: PeopleSoft Support, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-7689	TN-OR01771690 - TN-OR01771691	10/12/04 e-mail from B. Geib re: Send Quote -Hitachi, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-7690	TN-OR01774176 - TN-OR01774177	02/11/05 e-mail from J. Word to R. Levy; J. Nave; S. Ravin re: TomorrowNow Contact Info, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-7756	TN-OR02797840	09/20/06 e-mail from J. Tanner to J. Jin; A. Phillips; A. Cefola; M. Garafola; M. Jahrsdoerfer re: Rockwell Automation [sales update], for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record

ORACLE USA, INC. ET AL. v SAP AG ET AL.**USDC -- NORTHERN DIST. OF CALIFORNIA**

Case No. C 07 1658 PJH (EDL)

DEFENDANTS' TRIAL EXHIBITS FOR NEW TRIAL

Exhibit No.	Bates Range	Description	Sponsoring Witness
A-7809	TN-OR02827540 - TN-OR02827541	08/17/06 e-mail from J. Ramsay to M. Bowden re: RE: Posted: TomorrowNow HRMS Regulatory Bundle for August 2006, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-7890	TN-OR03569775	09/25/06 Appointment by TN re: Rockwell conf call, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-7982	TN-OR04449768 - TN-OR04449769	10/18/06 e-mail from S. Phillips to W. Wolfgram re: Alcon Inc (competitive deal against Cedar Crestone), for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-7985	TN-OR04453063	08/08/06 e-mail from S. Phillips to B. Brobst re: PeopleSoft Support Proposal, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-8155	TN-OR06416174 - TN-OR06416177	06/15/07 Customer Experience by TN re: INTERVIEW TRANSCRIPT, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-8174	TN-OR06559280	11/29/06 e-mail from E. Osterloh to B. Ludlam re: City of Flint, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-8230	TN-OR08341816	04/11/05 e-mail from D. Hartling to N. Pullan re: TomorrowNow JDE Support, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-8262	TN- PEPSIAM0000057 - TN- PEPSIAM0000058	12/11/07 e-mail from M. Davichick to J. Kreul re: References, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record

ORACLE USA, INC. ET AL. v SAP AG ET AL.

USDC -- NORTHERN DIST. OF CALIFORNIA

Case No. C 07 1658 PJH (EDL)

DEFENDANTS' TRIAL EXHIBITS FOR NEW TRIAL

Exhibit No.	Bates Range	Description	Sponsoring Witness
A-8277-1	TN-RE00000086 - TN-RE00000087	08/19/08 e-mail from S. Wolf to D. Walker re: RE: End Date for Services, subpoena and transmittal letter, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-8280-1	TN-RE00000227	07/22/08 e-mail from J. DeNatale to K. Badger re: TomorrowNow Suspending Operations, subpoena and transmittal letter, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian of Record
A-8281-1	TN-RE00009079	05/02/08 e-mail from J. DeNatale to G. Middlekauff; J. Dudek; M. Altmayer; M. Rasmussen; L. Teoro; et al. re: Questions for Customer Reference Call, subpoena and transmittal letter, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-8282-1	TN-RE00009349	05/23/08 e-mail from J. DeNatale to G. Middlekauff; M. Altmayer; J. Dudek; S. Wolf; L. Teoro; et al., re: Third Party Software Maintenance Support For PeopleSoft Applications Selection Status, subpoena and transmittal letter, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-8285-1	TN-RE00014635	05/13/08 e-mail from B. Sampson to K. Dvorak; J. DeNatale re: Calls with 3rd Party Support PSE's, subpoena and transmittal letter, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record

ORACLE USA, INC. ET AL. v SAP AG ET AL.

USDC -- NORTHERN DIST. OF CALIFORNIA

Case No. C 07 1658 PJH (EDL)

DEFENDANTS' TRIAL EXHIBITS FOR NEW TRIAL

Exhibit No.	Bates Range	Description	Sponsoring Witness
A-8291-1	TN-TASB00000811 - TN-TASB00000813	12/05/06 e-mail from B. Hudspeth to K. Powell re: Software Support Renewal Quotation for Texas Association of School Boards Service Renewal # P-JD-M00078-000--24, subpoena and transmittal letter, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-8313		2001 Book by R. Weil, M. Wagner, P. Frank titled Litigation Services Handbook: The Role of the Financial Expert, 3rd ed., 5.4, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-8320		2006 Book by B. Macfie and P. Nufrio titled Applied Statistics for Public Policy, pages 397-398, 470-471, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-8401	ORCL00399402 - ORCL00399434	01/23/03 PeopleSoft presentation, PeopleTools Product Strategy, "Total Cost of Ownership: Customer Study", for the purpose of causation and damages analysis	Sommer, Brian
A-9333		Excerpts from Meyer Binder re: Meyer Schedule 33.3.SU titled "Other Excluded Customers," for the purpose of causation and damages analysis	Meyer, Paul; Clarke, Stephen; Custodian or Declarant of Record
A-9340		Handwritten notes titled Lost Profits / Exclusions, for the purpose of causation and damages analysis	Meyer, Paul; Clarke, Stephen; Custodian or Declarant of Record
A-9600	SAP-OR00172910 - SAP-OR00173145	Documents with various dates titled: Amgen Agreements containing various documents, including, agreements, invoices and purchase orders, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record

ORACLE USA, INC. ET AL. v SAP AG ET AL.

USDC -- NORTHERN DIST. OF CALIFORNIA

Case No. C 07 1658 PJH (EDL)

DEFENDANTS' TRIAL EXHIBITS FOR NEW TRIAL

Exhibit No.	Bates Range	Description	Sponsoring Witness
A-9600-1	SAP-OR00173106 - SAP-OR00173111	06/20/05 Software License Agreement between SAP and Amgen, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-9601	SAP-OR00597392 - SAP-OR00597968	Documents with various dates titled: CA, Inc., (fka Computer Associates, Int'l), containing various documents, including, e-mail, agreements, merger documents, correspondence, shipping forms, software pricing forms and invoices for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-9602	SAP-OR00603615; SAP-OR00789887; SAP-OR00841587; SAP-OR00849185	Compilation of SAP Revenue Reports produced 1/8/09; 7/15/09; 10/30/09 and 11/18/09, for the purpose of causation and damages analysis	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record; Busillo, Joe

ORACLE USA, INC. ET AL. v SAP AG ET AL.

USDC -- NORTHERN DIST. OF CALIFORNIA

Case No. C 07 1658 PJH (EDL)

DEFENDANTS' TRIAL EXHIBITS FOR NEW TRIAL

Exhibit No.	Bates Range	Description	Sponsoring Witness
A-9603	ORCL00034185-343; ORCL00160553-79; ORCL00160599-603; ORCL00160596-98; ORCL00160604-9; ORCL00087624-5; ORCL00034267; ORCL00034284; ORCL00034299; ORCL00034285; ORCL00034335; ORCL00034304-5; ORCL00034316; ORCL00034312-5; ORCL00181687-98; ORCL00034267; ORCL00034270; ORCL00034253-55; ORCL00034257; ORCL00034256; ORCL00034258-59; ORCL00213586-93; ORCL00181697, ORCL00181696, ORCL00181689; ORCL00523947-973; ORCL00585665-80; ORCL00588690-96	Undated Aria People Search Oracle Organization Charts and the 02/12/08 production transmittal letter, for the purpose of showing Oracle's infrastructure	Clarke, Stephen; Meyer, Paul; Custodian or Declarant of Record
A-9604	ORCL00034185 - ORCL00034343	Undated Aria People Search Oracle Organization Charts, for the purpose of showing Oracle's infrastructure	Blotner, Richard
A-9605	ORCL00160553 - ORCL00160579	Undated NA Commercial Apps Organization Charts, for the purpose of showing Oracle's infrastructure	Blotner, Richard

ORACLE USA, INC. ET AL. v SAP AG ET AL.

USDC -- NORTHERN DIST. OF CALIFORNIA

Case No. C 07 1658 PJH (EDL)

DEFENDANTS' TRIAL EXHIBITS FOR NEW TRIAL

Exhibit No.	Bates Range	Description	Sponsoring Witness
A-9606	ORCL00160599 - ORCL00161603	Oracle Organization Charts, for the purpose of showing Oracle's infrastructure	Blotner, Richard
A-9607	ORCL00160596 - ORCL00160598	Oracle Organization Charts, for the purpose of showing Oracle's infrastructure	Blotner, Richard
A-9608	ORCL00160604 - ORCL00160609	Oracle Organization Charts, for the purpose of showing Oracle's infrastructure	Blotner, Richard
A-9609	ORCL00089638 - ORCL00089639	03/17/05 e-mail from J. Blackford to E. Shippy regarding Third Party, for the purpose of causation and damages analysis	Cummins, Richard

ORACLE USA, INC. ET AL. v SAP AG ET AL.**USDC -- NORTHERN DIST. OF CALIFORNIA****Case No. C 07 1658 PJH (EDL)****DEFENDANTS' TRIAL EXHIBITS FOR NEW TRIAL**

Exhibit No.	Bates Range	Description	Sponsoring Witness
A-9617	SAP-SKC-020627 - SAP-SKC-020669; SAP-SKC-020670 - SAP-SKC-020675; SAP-SKC-020676 - SAP-SKC-020678; SAP-SKC-020679 - SAP-SKC-020681; SAP-SKC-020682 - SAP-SKC-020684; SAP-SKC-020685 - SAP-SKC-020687; SAP-SKC-020688 - SAP-SKC-020690; SAP-SKC-020691 - SAP-SKC-020693; SAP-SKC-020694 - SAP-SKC-020696; SAP-SKC-020697 - SAP-SKC-020699; SAP-SKC-020700 - SAP-SKC-020703; SAP-SKC-020704 - SAP-SKC-020705; SAP-SKC-020706 - SAP-SKC-020707; SAP-SKC-020708 - SAP-SKC-020709; SAP-SKC-020710 - SAP-SKC-020711; SAP-SKC-030990 - SAP-SKC-031098; SAP-SKC-031099 - SAP-SKC-031271; SAP-SKC-031272 - SAP-SKC-031369; SAP-SKC-031370 - SAP-SKC-031483; SAP-SKC-031484 - SAP-SKC-031600; SAP-SKC-031601 - SAP-SKC-031714;	Various SEC filings and other documents related to the calculation of discount rate, for the purpose of causation and damages analysis	Clarke, Stephen

ORACLE USA, INC. ET AL. v SAP AG ET AL.

USDC -- NORTHERN DIST. OF CALIFORNIA

Case No. C 07 1658 PJH (EDL)

DEFENDANTS' TRIAL EXHIBITS FOR NEW TRIAL

Exhibit No.	Bates Range	Description	Sponsoring Witness
	SAP-SKC-031715 - SAP-SKC-031829; SAP-SKC-031830 - SAP-SKC-032045; SAP-SKC-032046 - SAP-SKC-032163; SAP-SKC-032736 - SAP-SKC-032834; SAP-SKC-032835 - SAP-SKC-032933; SAP-SKC-032934 - SAP-SKC-033063; SAP-SKC-033199 - SAP-SKC-033277; SAP-SKC-118060 - SAP-SKC-118063; SAP-SKC-118207 - SAP-SKC-118220		
A-9618	SAP-OR00004935- 4942; TN- OR00639146-9157; TN-OR02989467	Compilation of Auditors' Reports, financial statements and an undated spreadsheet titled: Financial figures TN Group 2005_2008_def.xls related to TomorrowNow expenses, for the purpose of causation and damages analysis	Clarke, Stephen
A-9619		Rule 1006 Summary of Oracle Contracts, for the purpose of causation and damages analysis	Clarke, Stephen
A-9620		Rule 1006 Summary of TomorrowNow Contracts, for the purpose of causation and damages analysis	Clarke, Stephen
A-9621		Undated document titled: Summary of SAP Customer Revenues by Month - 1006 Summary, for the purpose of causation and damages analysis	Clarke, Stephen

ORACLE USA, INC. ET AL. v SAP AG ET AL.

USDC -- NORTHERN DIST. OF CALIFORNIA

Case No. C 07 1658 PJH (EDL)

DEFENDANTS' TRIAL EXHIBITS FOR NEW TRIAL

Exhibit No.	Bates Range	Description	Sponsoring Witness
A-9622		Summary of SAP Customer Revenues - 1006 Summary, for the purpose of causation and damages analysis	Clarke, Stephen
A-9623		Undated document titled: Summary of Sources for Lost OKI3 Revenue Detail - 1006 Summary, for the purpose of causation and damages analysis	Clarke, Stephen
A-9624		Undated Curriculum Vitae of B. Sommer, for the purpose of causation and damages analysis	Sommer, Brian

ORACLE USA, INC. ET AL. v SAP AG ET AL.

USDC -- NORTHERN DIST. OF CALIFORNIA

Case No. C 07 1658 PJH (EDL)

DEFENDANTS' TRIAL EXHIBITS FOR NEW TRIAL

Exhibit No.	Bates Range	Description	Sponsoring Witness
A-9625	ORCL00043714-739; ORCL00385437-438; ORCL00385002-026; ORCL00385303-327; ORCL00583824-827; ORCL00385328-352; ORCL00583828-831; ORCL00385054-078; ORCL00385079-081; ORCL00385052-53; ORCL00385027-051; ORCL00385247-271; ORCL00385197-221; ORCL00385245-246; Deposition of Ann Kishore, September 25, 2009, pgs. 472-475; ORCL00585452-473; ORCL00043740-741; ORCL00524992-997; Kishore Exhibit 272; Kishore Exhibit 670; Deposition of Ann Kishore, April 14, 2009, pgs. 141-146 and 234-235	Compilation of documents regarding to inter-company sublicense rates related to OIC, for the purpose of causation and damages analysis	Meyer, Paul; Clarke, Stephen; Custodian or Declarant of Record

ORACLE USA, INC. ET AL. v SAP AG ET AL.

USDC -- NORTHERN DIST. OF CALIFORNIA

Case No. C 07 1658 PJH (EDL)

DEFENDANTS' TRIAL EXHIBITS FOR NEW TRIAL

Exhibit No.	Bates Range	Description	Sponsoring Witness
A-9626	ORCL00182271 - ORCL00182292	License Agreement Oracle Technology, Oracle Finance S.A.R.L., for the purpose of causation and damages analysis	Kishore, Ann; Custodian of Record; Mickelsen, Brady; Adler, Todd
A-9627	ORCL00090058 - ORCL00090059	03/02/06 e-mail from E. Shippy to T. Maxwell; J. Cunningham, re: IN Touch, for the purpose of causation and damages analysis	Shippy, Elizabeth; Meyer, Paul; Custodian or Declarant of Record
A-9628		SAP AG - SAP - Form 20-F - Annual Report (filed March 22, 2006) (period: December 31, 2005), for the purpose of causation and damages	Clarke, Stephen; Meyer, Paul
A-9629		SAP AG - SAP - Form 20-F - Annual Report (filed April 03, 2007) (period: December 31 2006), for the purpose of causation and damages	Clarke, Stephen; Meyer, Paul
A-9630		SAP AG - SAP - Form 20-F - Annual Report (filed April 02, 2008) (period: December 31, 2007), for the purpose of causation and damages	Clarke, Stephen; Meyer, Paul
A-9631		SAP AG - SAP - Form 20-F (filed March 26, 2009) (period: December 31, 2008), for the purpose of causation and damages	Clarke, Stephen; Meyer, Paul
J-0006		[JTX_0006] Slide - Primary Damages Calculations sponsored by Meyer and Clarke	Stipulated; Clarke, Stephen; Meyer, Paul