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

19 UNITED STATES DISTRICT COURT
20 NORTHERN DISTRICT OF CALIFORNIA
21 SAN FRANCISCO DIVISION

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

Case No. 07-CV-1658 PJH
**DECLARATION OF ELAINE WALLACE
IN SUPPORT OF DEFENDANTS'
OPPOSITION TO PLAINTIFFS'
MOTION TO COMPEL PRODUCTION
OF CLAWED BACK DOCUMENTS
EXHS. 3 & 4 SUBMITTED UNDER SEAL**
Date: TBD
Time: TBD
Courtroom: E, 15th Floor
Judge: Hon. Elizabeth D. Laporte

1 I, Elaine Wallace, declare:

2 I am an associate with the law firm of Jones Day, 555 California Street, 26th Floor, San
3 Francisco, CA 940104 and counsel of record for Defendants in this action. I am a member in
4 good standing of the state bar of California and admitted to practice before this Court. I make this
5 declaration based on personal knowledge and, if called upon to do so, could testify competently
6 thereto.

7 1. Attached hereto as Exhibit 1 is a true and correct copy of a letter I sent to Bree
8 Hann, counsel for Oracle, on June 30, 2008. The letter contains an accurate description of the
9 privilege review process Jones Day has implemented in this case. In addition to the information
10 provided in the June 30 letter, paragraphs 2 and 3 below contain some additional detail regarding
11 Defendants' privilege review process.

12 2. The contract attorneys refer to the full list of inside and outside counsel provided
13 by Jones Day during the page by page review. In addition, before beginning the page by page
14 review of a custodian's documents the contract attorneys generally also run tailored searches
15 specific to that custodian. These tailored searches are done electronically. The tailored searches
16 may or may not be the same for any two custodians, depending on who the custodians are. The
17 tailored searches have been developed to account for the different positions of the various
18 custodians, the different types of privileged communications they are likely to have had, and the
19 different inside and outside lawyers with whom they are likely to have communicated. Thus, for
20 example, the tailored searches for SAP custodians are generally different from those used for
21 TomorrowNow custodians. The tailored searches have been developed over time by the contract
22 attorneys as their knowledge of the facts and the data being reviewed has grown. The tailored
23 searches consist mostly of attorney names, but may occasionally include other terms as well.

24 3. As described in my June 30 letter, quality control occurs at various levels of the
25 process. The tailored searches are just the first step in the review process. During first level
26 review, each tailored search is followed by a page by page review of all of a custodian's
27 documents using the full list of attorney names provided by Jones Day. At the conclusion of the
28 page by page review, additional quality control searches are run. These searches are done by the

