

EXHIBIT 1

JONES DAY

555 CALIFORNIA STREET • 26TH FLOOR • SAN FRANCISCO, CALIFORNIA 94104-1500
TELEPHONE: 415-626-3939 • FACSIMILE: 415-875-5700

June 30, 2008

VIA E-MAIL

Bree Hann, Esq.
Bingham McCutchen LLP
Three Embarcadero Center
San Francisco, CA 94111

RE: Oracle v. SAP

Dear Bree:

As agreed, the following is a description of the privilege review process Defendants have implemented in this case:

I. First Level of Review.

1. The first level of review is done by contract attorneys. Each contract attorney is provided a list of SAP's and TN's current and former inside and outside counsel to assist them in identifying potentially privileged documents during their page by page review. The contract attorneys have also developed their own tailored lists of attorney names specific to particular custodians to assist them in this process. Before beginning a page by page review of a custodian's documents, the contract attorneys run searches for attorney names across all of the documents in each of the contract attorneys' assignments.

2. The contract attorneys then conduct a page by page review of all the documents for a custodian, evaluating each document for responsiveness and privilege.

3. At the conclusion of the page by page review, the contract attorneys perform a quality control process involving additional searches for attorney names. Thus, at least two attorney name searches are run on each custodian's documents during First Level Review – one at the outset and one at the end – in addition to the page by page review.

II. Second Level of Review.

Jones Day attorneys conduct a page by page review of all documents marked privileged to confirm the applicability of the privilege.

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III. Third Level of Review.

1. Defendants' e-discovery vendor, FCS, conducts an additional quality control search. This involves running searches on the names of the attorneys deemed most likely to have worked on issues relevant to this litigation, as well as on specific terms such as "privileged" and "legal." To help expedite production and because there were several other protections already in place, the attorney name search initially was run only on the "To," "From," "CC," and "BCC" fields, while the term searches were run on all text. Subsequently, the attorney name search was expanded to make the FCS screening process even more robust. More attorney names have been added and the name search is now run across all text.

2. A specific Jones Day attorney tasked with this responsibility reviews all documents identified by FCS as potentially privileged.

We trust that this description of our robust and thorough review process will put Oracle's inadvertence challenge to rest. In addition, please note the following: We have identified in our April 17 and May 29, 2008 letters 49 inadvertently produced documents, excluding duplicates and near duplicates (i.e. non-identical copies but containing the same privileged information). These documents total 243 pages, out of approximately 2.3 million Bates-numbered pages produced, *i.e.* approximately 0.01% of our production. Oracle has identified in its May 5 and June 20, 2008 letters a group of about 35 documents, totaling 161 pages, out of approximately 160,455 Bates-numbered pages produced, *i.e.* approximately 0.1% of its production. Thus, our privilege screening process is at least as effective as Oracle's, if not more so. In that regard, we look forward to receiving and reviewing a similarly detailed description of the process Oracle has employed to screen for privileged documents.

Sincerely,



Elaine Wallace

EXHIBIT 2

Briana Lynn Rosenbaum
Direct Phone: 415.393.2288
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briana.rosenbaum@bingham.com

June 20, 2008

Via Email

Jason McDonell
Jones Day
555 California Street
26th Floor
San Francisco, CA 94104

Re: *Oracle Corporation, et al. v. SAP AG, et al.*

Dear Mr. McDonell:


Oracle has discovered the inadvertent production of privileged materials that have been produced to Defendants. These materials are contained within the following Bates ranges:

- ORCL00089151-ORCL00089152
- ORCL00089399

Pursuant to Paragraph 15 of the Stipulated Protective Order, Defendants may not use the privileged materials for any purpose other than using information concerning these documents in connection with a motion to compel. Accordingly, please promptly confirm that you have otherwise destroyed or returned to us the documents within the above Bates ranges. In addition, and according to Mr. Fuchs's email to Mr. Alinder, dated June 3, 2008, please also confirm all copies of these documents will be destroyed, except to the extent that a single copy of each document will be kept on the original production CDs / DVDs, which will be referred to for disaster recovery purposes only.

If you have any questions or concerns, please feel free to contact me at any time.

Sincerely yours,



Briana Lynn Rosenbaum

cc: Greg Lanier (via email only)
Scott Cowan (via email only)
Jane Froyd (via email only)

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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

MANUAL FILING NOTIFICATION

Date: TBD
Time: TBD
Courtroom: E, 15th Floor
Judge: Hon. Elizabeth D. Laporte

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MANUAL FILING NOTIFICATION

Regarding: Exhibits 3 and 4 to the Declaration of Elaine Wallace In Support Of Defendants’ Opposition to Plaintiffs’ Motion to Compel Production of Clawed Back Documents; Documents Submitted Under Seal

This filing is in paper or physical form only, and is being maintained in the case file in the Clerk’s office. If you are a participant in this case, this filing will be served in hard-copy shortly. For information on retrieving this filing directly from the court, please see the court's main web site at <http://www.cand.uscourts.gov> under Frequently Asked Questions (FAQ).

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- Voluminous Document (PDF file size larger than the efileing system allows)
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- Physical Object (description): _____
- Non-Graphic/Text Computer File (audio, video, etc.) on CD or other media
- Item Under Seal
- Conformance with the Judicial Conference Privacy Policy (General Order 53).
- Other (description): _____

By: /s/ Scott W. Cowan
Scott W. Cowan

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