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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 USA, INC., et al.,

23 Plaintiffs,

24 v.

25 SAP AG, et al.,

26 Defendants.

Case No. 07-CV-1658 PJH (EDL)

**DECLARATION OF ALBERT VAN  
WISSEN IN SUPPORT OF  
DEFENDANTS' OPPOSITION TO  
PLAINTIFFS' MOTION TO COMPEL**

Date: N/A  
Time: N/A  
Courtroom: E, 15<sup>th</sup> Floor  
Judge: Hon. Elizabeth D. Laporte

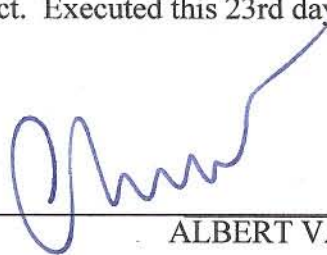
1 I, ALBERT VAN WISSEN, declare:

2 Since June 1, 2006, I have been the Chief Financial Officer (“CFO”) of TomorrowNow,  
3 Inc. (“TN”), one of the Defendants in this case and a subsidiary of SAP America, Inc., which is a  
4 subsidiary of SAP AG (collectively “SAP”). I make this declaration based on personal  
5 knowledge and, if called upon to do so, could testify competently thereto.

6 1. Prior to the present litigation, I am aware that TN considered providing third party  
7 support for the Hyperion and eBusiness Suite (“EBS”) software product lines. TN’s  
8 consideration of servicing Hyperion and EBS products involved, among other things, an analysis  
9 of the projected revenues, expenses and other logistics associated with those potential new service  
10 offerings.

11 2. Ultimately, TN did not provide third party support for Hyperion and EBS  
12 products. To my knowledge, while I have been CFO, TN has never received any revenue for  
13 providing such support services, it never incur any expenses related to Hyperion and EBS  
14 products, and it never received revenue or incurred expenses related to Retek products.

15 I declare under penalty of perjury under the laws of the United States and the State of  
16 California that the foregoing is true and correct. Executed this 23rd day of January, 2009 in  
17 Amsterdam, The Netherlands.

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19 \_\_\_\_\_  
20 ALBERT VAN WISSEN