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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 USA, INC., et al.,

23 Plaintiffs,

24 v.

25 SAP AG, et al.,

26 Defendants.

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

**[PROPOSED] ORDER GRANTING
DEFENDANTS' MOTION TO
COMPEL DISCOVERY RELEVANT
TO PLAINTIFFS' COPYRIGHT
CLAIMS**

Date: May 19, 2009

Time: TBD

Courtroom: E, 15th Floor

Judge: Hon. Elizabeth D. Laporte

1 The Court having before it Defendants' Motion to Compel Discovery Relevant to
2 Plaintiffs' Copyright Claims, and having considered the papers and argument of the parties,
3 hereby GRANTS the motion and ORDERS as follows:

4 By May, 29, 2009, Plaintiffs shall:

5 1. Produce a complete copy of all software and other materials allegedly infringed
6 (along with software license activation codes sufficient to allow Defendants access to software),
7 or, in the alternative, provide written confirmation that its copyright infringement claims exclude
8 all materials not produced; and

9 2. Supplement the response to Interrogatory No. 13 to specifically identify the
10 preexisting material for each derivative work. To the extent that Plaintiffs rely on the Customer
11 Connection databases pursuant to Rule 33(d) in its supplemental response, Plaintiffs shall: (a)
12 provide whatever technical assistance is required to ensure that Defendants can access and use the
13 databases; and (b) identify the specific locations where the responsive information can be found
14 for each derivative work; and

15 3. (a) Produce all remaining nonprivileged documents in its possession, custody, or
16 control relating to the acquisition, assignment, or transfer of the Registered Works, and any
17 preexisting materials upon which they are based, including documents relating to PeopleSoft,
18 Inc.'s acquisition of technology developed by The Vantive Corporation, Red Pepper Software
19 Company, and Distinction Software, Inc.; and

20 (b) Confirm in writing that it has produced all materials described in 3(a) above
21 located after a diligent search of all locations at which such materials might plausibly exist; and

22 (c) Produce all documents on which it intends to rely to meet its burden of proving
23 copyrightability and ownership for the Registered Works to which no presumption of validity
24 applies.

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IT IS SO ORDERED.

Dated: _____

ELIZABETH D. LAPORTE
United States Magistrate Judge