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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)

**JOINT DISCOVERY CONFERENCE
STATEMENT**

Date: May 5, 2009
Time: 2:00 p.m.
Courtroom: E, 15th Floor
Judge: Hon. Elizabeth D. Laporte

1 Plaintiffs Oracle USA, Inc., Oracle International Corporation, and Oracle EMEA Limited
2 (collectively, "Oracle") and Defendants SAP AG, SAP America, Inc., and TomorrowNow, Inc.
3 (collectively, "Defendants," and with Oracle, the "Parties") submit this Joint Discovery
4 Conference Statement.

5 The March 31 Discovery Conference resolved several discovery disputes between the
6 Parties. The Parties continue to meet and confer about several remaining discovery disputes,
7 including sufficiency and timing of document productions, adequacy of Rule 30(b)(6) witnesses,
8 and sufficiency of interrogatory responses, but are willing to mutually defer presentation of
9 outstanding issues to allow for additional meet and confer. They accordingly request that the
10 May 5 Discovery Conference be taken off the calendar. The Parties will continue their meet and
11 confer and will raise any further issues with the Court in the next Discovery Conference
12 Statement.

13 Further, the Parties continue to make progress towards proposed joint relief they may seek
14 from Judge Hamilton regarding: (1) potential additional motion practice; (2) what, if any,
15 adjustment should be made to the case and trial schedule and discovery limitations; and (3)
16 Oracle's possible addition of parties and claims relating to other software lines, including Siebel.

17 The Parties jointly request that the Court schedule sixty minutes on May 26, 2009 to
18 discuss discovery issues, with a Joint Discovery Conference Statement due on May 19, 2009.
19 The Parties further jointly request that the Court schedule sixty minutes during the week of June
20 15, 2009 to discuss discovery issues, with a Joint Discovery Conference Statement due on June 9,
21 2009.

22 DATED: April 28, 2009

BINGHAM McCUTCHEN LLP

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25 By: _____ /s/
26 Zachary J. Alinder
27 Attorneys for Plaintiffs
Oracle USA, Inc., Oracle International
Corporation, and Oracle EMEA Limited

28 In accordance with General Order No. 45, Rule X, the above signatory attests that

1 concurrence in the filing of this document has been obtained from the signatory below.

2 DATED: April 28, 2009

JONES DAY

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By: _____ /s/

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Jason McDonell
Attorneys for Defendants
SAP AG, SAP AMERICA, INC., and
TOMORROWNOW, INC.

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