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

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

Date: May 27, 2009

Time: 9:00 am

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 in part and ORDERS as follows:

4 1. Subject to No. 3 below, Plaintiffs shall supplement their response to Interrogatory
5 No. 13 by specifically identifying the preexisting material upon which each derivative work is
6 based, including identifying by title and version number each previous version upon which the
7 derivative work is based and the specific modules, features, and functions from each previous
8 version incorporated into the derivative work.

9 2. Subject to No. 3 below, Plaintiffs shall produce documents sufficient to show the
10 acquisition, assignment, or transfer of the Registered Works, and any preexisting materials upon
11 which they are based, relating to PeopleSoft, Inc.'s acquisitions of The Vantive Corporation, Red
12 Pepper Software Company, and Distinction Software, Inc.

13 3. The parties shall meet and confer regarding the deadline for producing the
14 information and documents described in Nos. 1 and 2 above and regarding any burden objections
15 raised by Plaintiffs. If the parties are unable to agree on the deadline, the parties shall notify the
16 Court no later than June 29, 2009 and the Court shall set a deadline. If the parties are unable to
17 resolve the burden objections, Plaintiffs shall submit to the Court no later than June 29, 2009 a
18 detailed declaration describing the basis for the burden objections.

19 4. No later than June 29, 2009, Plaintiffs shall confirm in writing that they have
20 produced all inter-Oracle entity agreements relating to the acquisition, assignment, or transfer of
21 the Registered Works located after a diligent search of all locations at which such materials might
22 plausibly exist.

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1 5. No later than June 29, 2009, Plaintiffs shall produce all documents on which it
2 intends to rely to meet its burden of proving copyrightability and ownership for the Registered
3 Works to which no presumption of validity applies.

4 IT IS SO ORDERED.

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6 Dated: _____

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8 ELIZABETH D. LAPORTE
9 United States Magistrate Judge
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