

1 Robert A. Mittelstaedt (SBN 060359)
Jason McDonell (SBN 115084)
2 Elaine Wallace (SBN 197882)
JONES DAY
3 555 California Street, 26th Floor
San Francisco, CA 94104
4 Telephone: (415) 626-3939
Facsimile: (415) 875-5700
5 ramittelstaedt@jonesday.com
jmcdonell@jonesday.com
6 ewallace@jonesday.com

7 Tharan Gregory Lanier (SBN 138784)
Jane L. Froyd (SBN 220776)
8 JONES DAY
1755 Embarcadero Road
9 Palo Alto, CA 94303
Telephone: (650) 739-3939
10 Facsimile: (650) 739-3900
tglanier@jonesday.com
11 jfroyd@jonesday.com

12 Scott W. Cowan (Admitted *Pro Hac Vice*)
Joshua L. Fuchs (Admitted *Pro Hac Vice*)
13 JONES DAY
717 Texas, Suite 3300
14 Houston, TX 77002
Telephone: (832) 239-3939
15 Facsimile: (832) 239-3600
swcowan@jonesday.com
16 jlfuchs@jonesday.com

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 PRODUCTION OF
FINANCIAL INFORMATION FROM
PLAINTIFFS**

Date: August 18, 2009
Time: TBD
Courtroom: E, 15th Floor
Judge: Hon. Elizabeth D. Laporte

1 The Court having before it Defendants’ Motion to Compel Production of Financial
2 Information from Plaintiffs, and having considered the papers and argument of the parties, hereby
3 GRANTS the motion and ORDERS as follows:

4 Pursuant to Fed. R. Civ. P. 37, Plaintiffs shall produce financial information for the
5 period January 1, 2002 through October 31, 2008 relating to their claims of lost profits damages,
6 including:

- 7 (1) The general ledgers for each Plaintiff corporation;
- 8 (2) Reports showing Plaintiffs’ profitability of their PeopleSoft, J. D. Edwards and Siebel
9 product lines and the underlying source documents upon which they are based;
- 10 (3) Detailed profit and loss statements for each Plaintiff on a monthly, quarterly and
11 annual basis;
- 12 (4) A response to Defendants’ Targeted Search Request No. 3; and
- 13 (5) Supplemental Rule (30)(b)(6) testimony regarding the royalty payments received by
14 or due to OIC in connection with the alleged Registered Works, how the royalty rates were
15 established and the related allocations of costs pursuant to certain Cost Sharing Agreements.

16
17 IT IS SO ORDERED.

18
19 Dated: _____

20 _____
21 ELIZABETH D. LAPORTE
United States Magistrate Judge

22 SFI-614568v1

23
24
25
26
27
28