

# **EXHIBIT A**



Registration Number:

TXu 1-607-454

Effective date of registration:

July 1, 2009

**Title**

Title of Work: Database of Documentary Customer Support Materials for PeopleSoft Software

**Completion/Publication**

Year of Completion: 2009

**Author**

Author: PeopleSoft, Inc.

Author Created: text, Automated Database containing text with pictorial elements.

Work made for hire: Yes

Citizen of: United States

Domiciled in: United States

Author: Oracle USA, Inc.

Author Created: text, Automated Database containing text with pictorial elements.

Work made for hire: Yes

Citizen of: United States

Domiciled in: United States

**Copyright claimant**

Copyright Claimant: Oracle International Corporation

500 Oracle Parkway, Redwood Shores, CA, 94065, United States

Transfer Statement: By written agreement

**Rights and Permissions**

Organization Name: Oracle International Corporation

Name: Todd Adler

Email: todd.adler@oracle.com

Telephone: 650-506-4160

Address: 500 Oracle Parkway

Redwood Shores, CA 94065 United States

**Certification**

**Name:** David O. Johanson

**Date:** July 1, 2009

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**IPN#:**



**\*\***

**Registration #:** TXU001607454

**Service Request #:** 1-210842001

**Bingham McCutchen LLP  
David O. Johanson  
One Federal Street  
Boston, MA 02110 United States**

# **EXHIBIT B**



**Registration Number:**

**TXu 1-607-455**

**Effective date of registration:**

July 1, 2009

**Title**

**Title of Work:** Database of Documentary Customer Support Materials for J.D. Edwards Software

**Completion/Publication**

**Year of Completion:** 2009

**Author**

■ **Author:** J.D. Edwards & Co., LLC

**Author Created:** text, Automated Database containing text with pictorial elements.

**Work made for hire:** Yes

**Citizen of:** United States

**Domiciled in:** United States

■ **Author:** J.D. Edwards World Source Co.

**Author Created:** text, Automated Database containing text with pictorial elements.

**Work made for hire:** Yes

**Citizen of:** United States

**Domiciled in:** United States

■ **Author:** J.D. Edwards YOUcentric Co.

**Author Created:** text, Automated Database containing text with pictorial elements.

**Work made for hire:** Yes

**Citizen of:** United States

**Domiciled in:** United States

■ **Author:** PeopleSoft, Inc.

**Author Created:** text, Automated Database containing text with pictorial elements.

**Work made for hire:** Yes

**Citizen of:** United States

**Domiciled in:** United States

▪ **Author:** Oracle USA, Inc.

**Author Created:** text, Automated Database containing text with pictorial elements.

**Work made for hire:** Yes

**Citizen of:** United States

**Domiciled in:** United States

### Copyright claimant

---

**Copyright Claimant:** Oracle International Corporation

500 Oracle Parkway, Redwood Shores, CA, 94065, United States

**Transfer Statement:** By written agreement

### Limitation of copyright claim

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**Material excluded from this claim:** text, Preexisting code and text in approximately 45 prior registrations including those noted in this section.

**Previous registration and year:** TX 6-541-030 2007

TX 6-541-041 2007

**New material included in claim:** text, Revised and additional code, text and pictorial elements.

### Rights and Permissions

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**Organization Name:** Oracle International Corporation

**Name:** Todd Adler

**Email:** todd.adler@oracle.com

**Telephone:** 650-506-4160

**Address:** 500 Oracle Parkway

Redwood Shores, CA 94065 United States

### Certification

---

**Name:** David O. Johanson

**Date:** July 1, 2009

---

**IPN#:**



**\*\***

**Registration #:** TXU001607455

**Service Request #:** 1-211222101

**Bingham McCutchen  
David O. Johanson  
One Federal Street  
Boston, MA 02110 United States**

# **EXHIBIT C**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ORACLE CORPORATION, et al.,

Plaintiffs,

vs.

No. C07-1658 PJH (EDL)

SAP AG, et al.,

Defendants.

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REPORTER'S TRANSCRIPTION OF DISCOVERY CONFERENCE

BEFORE: HON. ELIZABETH D. LAPORTE

Friday, October 10, 2008

Reported by:  
CLAUDIA A. BETTUCCHI  
CSR No. 12214  
JOB No. 98424

1 is right for us to negotiate a briefing schedule.

2 THE COURT: Okay.

3 MR. McDONELL: There is one issue that we  
4 think could be addressed now. Very narrow. There is a  
5 third amended complaint that is brand new. It changes  
6 the parties to the case so Oracle corporation is out,  
7 other Oracle authorities are in. And it rejiggers who  
8 owns copyrights in a way that we can't quite understand.  
9 And all of that is contingent on how the various Oracle  
10 affiliates have intercompany agreements by which they  
11 license copyrights.

12 All we are asking for is a statement by the  
13 plaintiffs that they have now produced all of the  
14 relevant intercompany licensing agreements so that we  
15 know we are no longer shooting at a moving target. And  
16 thus far they have declined to confirm or deny, as far  
17 as I know.

18 MR. HOWARD: Well, I don't agree with the  
19 characterization of the complaint. I think the  
20 ownership allegations are the same as they were in the  
21 prior versions of the complaint. But we have produced  
22 all of the documents that we believe support the  
23 allegations of the complaint and demonstrate the  
24 ownership or otherwise the copyright standing of each of  
25 those plaintiffs that are in the current third amended

1 complaint.

2 THE COURT: Okay. But you are asking for a --  
3 and I think a declaration of a person most knowledgeable  
4 as to what?

5 MR. McDONELL: No, I'm willing to take  
6 counsel's representation here on the record that they  
7 have now produced all of the intercompany license  
8 agreements that substantiate which of the entities have  
9 copyrights rights. And I think counsel, as I heard him,  
10 said they have now been produced.

11 MR. HOWARD: Yes. The -- I'm not sure what  
12 copyrights rights are. We've alleged that one of the  
13 plaintiffs owns the copyrights and other plaintiff have  
14 claims of the copyrights. And we have indeed produced  
15 all of the documents that substantiate those allegations  
16 in the complaint.

17 THE COURT: Okay. Have you produced all of  
18 the intercompany agreements that relate to any of the  
19 copyrighted material that is the subject of the  
20 complaint?

21 MR. HOWARD: The reason I'm hesitating, Your  
22 Honor, is because there are a lot of entities and a lot  
23 of intercompany agreements. But what I am confident of  
24 is that we have produced all of the intercompany  
25 agreements that are relevant to determining the

1 ownership or other copyright standing of the named  
2 plaintiffs with respect to each of the copyright  
3 registrations that are identified in the complaint as  
4 the registered works at issue in the case.

5 MR. McDONELL: Then we'll rely on that --

6 THE COURT: Okay.

7 MR. McDONELL: -- for present purposes.

8 THE COURT: All right.

9 MR. McDONELL: I think what he's saying is  
10 that they have produced all of --

11 THE COURT: It sounds like it's sufficient to  
12 show as opposed to everything possible, but that is  
13 normally a good approach.

14 MR. McDONELL: Sufficient to show who owned  
15 what and when they owned it.

16 THE COURT: And that's --

17 MR. McDONELL: We'll rely on that.

18 THE COURT: Yes, but let's just -- so on the  
19 mo- -- you were anticipating a motion to compel with  
20 documents related to potential new plaintiffs? Is that  
21 what this boils down to?

22 MR. McDONELL: It's a little -- it's a little  
23 different issue, and I think we've got that worked out  
24 by agreement. We didn't want to have to start --

25 THE COURT: Right.

# **EXHIBIT D**

United States District Court

Northern District of California

Before The Honorable Elizabeth D. Laporte

Oracle Corporation, et al. )

Plaintiff, )

vs. )

SAP AG, et al., )

Defendant. )

No. C07-1658 PJH (EDL)

COPY

San Francisco, California  
Wednesday, May 27, 2009

Reporter's Transcript Of Proceedings

Appearances:

For Plaintiff: Bingham McCutchen  
Three Embarcadero Center  
San Francisco, California 94111  
By: Anthony Falzone, Esquire  
Zachary Alinder, Esquire

For Defendant: Jones Day  
555 California Street, 26th Floor  
San Francisco, California 94104  
By: Elaine Wallace, Esquire  
Greg Lanier, Esquire  
Jane Froyd, Esquire

Reported By: Sahar McVickar, RPR, CSR No. 12963  
Official Reporter, U.S. District Court  
For the Northern District of California

(Computerized Transcription By Eclipse)

1 was glossed over, but you seem to be saying, well, most of it's  
2 only -- it's going to be module, so it's no big problem for  
3 them.

4 And they're saying they did give you the modules, so  
5 what else is it and how burdensome is it? And if looking for  
6 fragments, that may be going too far.

7 **MS. WALLACE:** Well, there are really two separate  
8 issues. The identification of the modules in Interrogatory No.  
9 13, in the response to Interrogatory No. 13, that identifies  
10 the modules contained in each asserted registered work. That  
11 does not tell us what were the underlying modules that were  
12 incorporated into each of the registered works.

13 So what we are looking for is an identification of  
14 the new material and the old material. There is no way that  
15 that appears in a list of modules. We don't know -- if I look  
16 at the list of modules for one asserted work, I can't tell, is  
17 this a module that came from a preexisting version that is not  
18 asserted in the case or is this a new module. I have no way of  
19 telling that just from seeing a list of modules contained in a  
20 particular work.

21 And one thing I would like to correct about a  
22 statement that Oracle's counsel has made, what we have are  
23 copies of the software that's actually asserted in the case,  
24 the registered works, we don't have copies of preexisting works  
25 that are not asserted in the case. And Oracle has indicated

1 that it may want to add 63 additional registrations for  
2 preexisting works; our view is --

3 **THE COURT:** Well, I mean --

4 **MS. WALLACE:** -- it's way too late for that.

5 **THE COURT:** That's up to the trial judge but I think  
6 it's way too late.

7 And I thought that was a red herring, too, that  
8 somehow you get this discovery, that means that you have to add  
9 them to the complaint, again, I think that's confusing the Zoom  
10 situation with this one. I don't think they are the same.

11 **MS. WALLACE:** So because we don't have the  
12 underlying software, we have no way of comparing the asserted  
13 works with the underlying works, which may or may not be  
14 asserted. We have no way of knowing even what the underlying  
15 works are because the registrations don't provide that  
16 information. The registrations are, in fact, inconsistent --

17 **THE COURT:** Well, I saw you found a mistake,  
18 seemingly, in one of the responses.

19 **MS. WALLACE:** Well, they are actually inconsistent  
20 in a broader way: Most of the registrations indicate that  
21 there are preexisting works but they are unregistered; that is  
22 inconsistent with the position that Oracle has taken in its  
23 interrogatory response and also that the Oracle's Counsel has  
24 taken in the meet and confer.

25 Oracle's counsel has said each registered work

# **EXHIBIT E**



"Howard, Geoff"  
<geoff.howard@bingham.com>  
>

03/18/2009 05:51 PM

To "Greg Lanier" <tglanier@JonesDay.com>  
cc "Hann, Bree" <bree.hann@bingham.com>, "Pickett, Donn" <donn.pickett@bingham.com>, "ewallace@jonesday.com" <ewallace@jonesday.com>, "House, Holly" <holly.house@bingham.com>, "jfroyd@jonesday.com" <jfroyd@jonesday.com>, "jlfuchs@jonesday.com" <jlfuchs@jonesday.com>, "jmcdonell@jonesday.com" <jmcdonell@jonesday.com>, "Scott Cowan" <swcowan@JonesDay.com>, "Alinder, Zachary J." <zachary.alinder@bingham.com>

bcc

Subject RE: Oracle v. SAP - Request regarding case management

Greg,

Further to our agreement to exchange detailed proposals for the relief we propose to seek before Judge Hamilton, we propose the parties agree to a continuance of the trial and related pre-trial dates and an expansion of the deposition hours available. The length of the extension we propose differs according to whether the parties can reach agreement on the stipulation that has been in negotiation for eight months. Our proposal is based on the following grounds:

1. As set forth below, the case has significantly expanded since the May 5, 2008 Case Management Conference. Oracle has diverted a significant amount of time and hours to understanding new issues and addressing various proof problems, but more is needed and that effort has necessarily detracted from the other issues present as of May 5. These developments require substantial additional production and analysis, and additional depositions.
2. Discovery has revealed that SAP made the decision to continue making and using copies of Oracle's software, and preparing and distributing derivative works from it, for a year and a half after the litigation. Oracle is only now getting discovery on this critical issue. Moreover, it did not have post-litigation documents when it examined prior critical witnesses.
3. Defendants have refused, on grounds that two judges have deemed spurious, to stipulate to basic underlying facts regarding the business model at TomorrowNow. Defendants appear to contest the relevance of TomorrowNow's repeated infringement and illegal use of Oracle's software. We believe this evidence cannot seriously be disputed and that it is relevant, for at least the following reasons:
  - a. It relates to liability.
  - b. It relates directly to the value of the hypothetical license, because one factor in determining that value is the use to which the Defendant subsequently put the software.
  - c. It relates directly to punitive damages.
  - d. It relates directly to lost profits because it is evidence of continuing support of specific customers over time and provides the basis for recruiting new customers and up or cross-selling new and existing customers.
  - e. It relates directly to SAP's infringer's profits generated from TN's contribution to SAP deals.

As a result of this refusal to stipulate, Oracle will need to develop evidence in a far more laborious, and unnecessary way by deposing witnesses regarding the process TN followed in generating the various deliverables it sent to its customers. As you know, that evidence requires examination at the object level of each fix within a bundle (if it was delivered in a bundle), and it

further requires multiple witnesses who were involved in various aspects of developing the infrastructure for the fix, creating the code objects, testing, packaging and delivery. Getting this evidence is complicated by the fact that these witnesses are former TN employees and thus more difficult to track down and schedule. Oracle has made significant compromises in the language of the current draft stipulation in order to avoid this discovery, but it is entitled to this evidence and will pursue it in the absence of the stipulation.

4. The underlying evidence itself is both more voluminous than anticipated, and the delay in producing it has been so great (particularly the Data Warehouse and SAS materials), that in order to evaluate it for follow-up discovery and expert analysis, more time is necessary. It simply is not possible to analyze eight terabytes of information, in time to prepare expert reports on the current schedule. In addition, Oracle is now forced to request, review and analyze all Data Warehouse servers again because of Defendants' wrongful, post-litigation conduct. Even more expert analysis (and, yes, follow-up discovery) will be required after the supplemental production of servers containing evidence of Defendants' improper activities in 2007 and 2008.

5. Defendants have stonewalled on discovery of Siebel, EBS, Retek and Hyperion infringement, requiring a motion to compel even to obtain foundational discovery, and have submitted false and inadequate declarations which they now refuse to supplement in a timely fashion pursuant to Judge Laporte's order. The minimal foundational discovery taken as to Siebel has confirmed that Defendants' illegal conduct extended to that software line as well, including its infringing conduct after Oracle file this action. Additional foundational discovery is necessary to determine whether Oracle needs to add parties or claims. As Judge Laporte suggested, at this late date, absent an extension of time and hours, and as a result of Defendants' intransigence, Oracle may have no choice but to file a separate lawsuit.

6. Defendants changed one of the most the critical interrogatory responses -- re the SAP management board directive; defendants' witnesses have come unprepared to depositions, have refused to answer basic questions or acknowledge clear documents, have conveniently forgotten key events, and have generally engaged in a obstructive pattern that has required Oracle to spend enormous hours and notice multiple, unplanned witnesses in order to get answers to its questions and discover basic facts. Oracle estimates this conduct, above and beyond the normal fray of deposition discovery, accounts for over 50 hours of deposition time alone. We will be prepared to document this conduct to Judge Hamilton.

As a result of these issues, Oracle proposes an overall extension of the existing case schedule by ten months, and 200 additional deposition hours. In the event the parties reach agreement on the proposed stipulation, Oracle would reduce this request to a 180 day extension and 90 additional deposition hours. In addition, if we are able to reach an appropriate compromise of these issues without the need for motion practice, we are willing to consider a limitation on further deposition discovery of SAP AG employees.

We look forward to discussing these issues tomorrow at 3:00 p.m.  
Thanks,  
Geoff

.

-----Original Message-----

From: Greg Lanier [mailto:tglanier@JonesDay.com]  
Sent: Tuesday, March 17, 2009 7:27 AM  
To: Greg Lanier  
Cc: Hann, Bree; Pickett, Donn; ewallace@jonesday.com; Howard, Geoff; House, Holly; jfroyd@jonesday.com; jlfuchs@jonesday.com; jmcdonell@jonesday.com; Scott Cowan; Alinder, Zachary J.  
Subject: RE: Oracle v. SAP - Request regarding case management

Geoff, 3pm Thursday is fine for meet and confer. We will need to set up a dial-in, as our team will be a bit far flung on Thursday. Let's use:

1-866-448-1309  
57004475#

We agree to exchange proposals tomorrow afternoon, but propose to get that done by 5:30 pm, in view of a few schedule conflicts tomorrow. Please let us know if that works for you.

Greg

Tharan Gregory Lanier  
Jones Day  
1755 Embarcadero Road  
Palo Alto, CA 94303  
650-739-3941 (Direct)  
650-739-3900 (Fax)  
tglanier@jonesday.com

Greg  
Lanier/JonesDay  
Extension 33941

03/16/2009 02:13  
PM

To "Howard, Geoff" <geoff.howard@bingham.com>  
cc "Hann, Bree" <bree.hann@bingham.com>, "Pickett, Donn" <donn.pickett@bingham.com>, "ewallace@jonesday.com" <ewallace@jonesday.com>, "House, Holly" <holly.house@bingham.com>, "jfroyd@jonesday.com" <jfroyd@jonesday.com>, "jlfuchs@jonesday.com" <jlfuchs@jonesday.com>, "jmcdonell@jonesday.com" <jmcdonell@jonesday.com>, "Scott Cowan" <swcowan@JonesDay.com>, "Alinder, Zachary J." <zachary.alinder@bingham.com>  
Subject RE: Oracle v. SAP - Request regarding case management(Document link: Greg Lanier)

# **EXHIBIT F**



"Hann, Bree"  
<bree.hann@bingham.com>

04/24/2009 04:34 PM

To "Scott Cowan" <swcowan@JonesDay.com>  
cc "Pickett, Donn" <donn.pickett@bingham.com>, "ewallace@JonesDay.com" <ewallace@JonesDay.com>, "Howard, Geoff" <geoff.howard@bingham.com>, "House, Holly" <holly.house@bingham.com>, "jfroyd@JonesDay.com" <jfroyd@JonesDay.com>, "jlfuchs@JonesDay.com" <jlfuchs@JonesDay.com>, "jmcdonell@jonesday.com" <jmcdonell@jonesday.com>, "tglanier@JonesDay.com" <tglanier@JonesDay.com>, "Alinder, Zachary J." <zachary.alinder@bingham.com>

bcc

Subject RE: Oracle/SAP: draft stipulation

History:  This message has been forwarded.

Scott,

Attached are clean and a redline copies of Oracle's changes to the stipulation. The redline was compared against Defendants' last proposal. We have accepted all of your recent changes, with the exception of the sentence about appearing for a status conference. The Court can of course request a status conference with the Parties of its own accord, and we do not want to suggest to Judge Hamilton that she should schedule one unless she feels that she needs it.

As you requested, we have provided a list of possible copyright registrations. The registrations fall into two categories. The first category consists of pre-existing registrations. By including this list, Oracle does not commit to adding any or all of the registrations to an amended complaint. Oracle does not in fact believe that any of these registrations are relevant or necessary, and intends to make that argument in response to Defendants' motion to compel. However, if Judge Laporte disagrees with that argument, and while reserving its rights to assert the irrelevancy of these additional registrations at trial, Oracle may add them to its complaint since it may be producing them anyway. We suggest that if Defendants prevail on their motion to compel -- in other words, if Judge Laporte agrees that these registrations are relevant -- then Oracle will reserve the right to add these registrations, and if Defendants do not prevail on the grounds that the registrations are not relevant or necessary, then Oracle will not add them. The second category is a new registration of collective knowledge management solutions and code changes/updates to track Defendants' various productions.

Please let me know about questions, and have a good weekend.

Thanks,  
Bree

Bree Hann | Counsel  
Bingham McCutchen LLP  
Three Embarcadero Center | San Francisco, CA 94111  
T (415) 393-2958 | F (415) 393-2286  
bree.hann@bingham.com

-----Original Message-----

From: Scott Cowan [mailto:swcowan@JonesDay.com]  
Sent: Wednesday, April 22, 2009 10:11 AM