

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)

PROOF OF SERVICE

28

1 I, Shirley Nakano-McSwain, declare:

2 I am a citizen of the United States and employed in Santa Clara County, California. I am
3 over the age of eighteen years and not a party to the within-entitled action. My business address
4 is 1755 Embarcadero Road, Palo Alto, California 94303. On August 26, 2009, I served a copy of
5 the attached document(s):

6 **DEFENDANTS' ANSWER AND AFFIRMATIVE DEFENSES**
7 **TO FOURTH AMENDED COMPLAINT [DOCUMENT**
8 **SUBMITTED UNDER SEAL]**

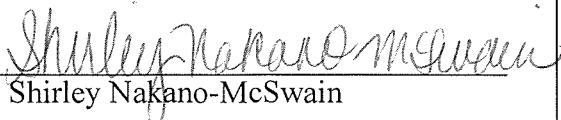
9 **DEFENDANTS' NOTICE OF MOTION AND MOTION FOR**
10 **PARTIAL SUMMARY JUDGMENT REGARDING**
11 **PLAINTIFFS' HYPOTHETICAL LICENSE DAMAGES**
12 **CLAIM [DOCUMENT SUBMITTED UNDER SEAL]**

13 by placing the document(s) listed above in a sealed Federal Express envelope and
14 affixing a pre-paid air bill, and causing the envelope to be delivered to a Federal
15 Express agent for delivery.

16 by transmitting via e-mail or electronic transmission the document(s) listed above
17 to the person(s) at the e-mail address(es) set forth below on August 26, 2009.

18 Donn P. Pickett
19 Geoffrey M. Howard
20 Holly A. House
21 Zachary J. Alinder
22 Bree Hann
23 BINGHAM McCUTCHEN LLP
24 Three Embarcadero Center
25 San Francisco, CA 94111-4067
26 donn.pickett@bingham.com
27 geoff.howard@bingham.com
28 holly.house@bingham.com
zachary.alinder@bingham.com
bree.hann@bingham.com

Executed on August 26, 2009, at Palo Alto, California.

By: 
Shirley Nakano-McSwain