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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 OAKLAND 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**  
Date: January 26, 2010  
Time: 2:00 pm  
Courtroom: E, 15<sup>th</sup> Floor  
Judge: Hon. Elizabeth D. Laporte

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

3 No later than \_\_\_\_\_, 2010, Oracle shall:

4 (1) Produce discovery relating to Defendants’ requests concerning the mapping of  
5 Oracle’s products to information allegedly downloaded by TomorrowNow, including responses to  
6 Requests for Production Nos. 44, 45, 47, and 51, as well Interrogatory No. 7 and the history of  
7 Plaintiffs’ creation of, access to, and ability to access and produce the information sought by these  
8 requests. More specifically, Oracle shall:

9 a. fully respond to TomorrowNow’s First Set of Requests for Production Nos.  
10 44, 45, 47, and 51 (“RFP Nos. 44,45, 47 and 51”) and First Set of Interrogatories, No. 7 (“Int. No.  
11 7’), both of which were originally served on Plaintiffs on July 26, 2007;

12 b. certify that all documents and information in their possession, custody, or  
13 control responsive to RFP Nos. 44,45, 47 and 51 and Int. No. 7 has been provided to Defendants;

14 c. identify, with particularity, by Bates number or other such specific  
15 identifier, which documents Plaintiffs contend they have produced and that are responsive or  
16 otherwise related to RFP Nos. 44,45, 47 and 51 and Int. No. 7; and

17 d. for each such document Plaintiffs contend they have produced and that are  
18 responsive or otherwise related to RFP Nos. 44,45, 47 and 51 and Int. No. 7, identify who  
19 created the document, when Plaintiff acquired possession, custody or control over the document  
20 and the information contained therein, and when it was produced to Defendants;

21 (2) Comply with Defendants’ third party subpoena to Folger Levin & Kahn LLP by  
22 producing the deposition transcripts and sixty-four documents from the *PeopleSoft v. Oracle* state  
23 court litigation identified by Defendants; and

24 (3) Update the productions of the six key custodians identified by Defendants pursuant to  
25 the parties’ Expanded Discovery Timeline Agreement.

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IT IS SO ORDERED.

Dated: \_\_\_\_\_

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ELIZABETH D. LAPORTE  
United States Magistrate Judge