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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, 15th 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: _____

ELIZABETH D. LAPORTE
United States Magistrate Judge