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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)

**DECLARATION OF CATHERINE  
HYDE**

1 I, Catherine Hyde, declare as follows:

2 1. I am a former TomorrowNow, Inc. employee. I have personal knowledge of the  
3 facts stated in this declaration and could competently testify to them if required.

4 2. I was employed by TomorrowNow as a developer for the PeopleSoft product lines  
5 from October 2002 through October 31, 2008. As a developer, I was involved in the development,  
6 and to a limited extent the testing, of objects that were included in fixes and updates that were  
7 delivered to TomorrowNow customers.

8 3. As a developer at TomorrowNow, I used and understood the term object to  
9 generally refer to file-based objects, online objects, and/or data files. File based objects include  
10 items such as .sqr, .sqc and COBOL files. Online objects include items such as fields, records,  
11 pages, and menus.

12 4. For the HRMS PeopleSoft product lines at TomorrowNow, objects were  
13 developed or modified to correct identified and reported issues. The identified and reported  
14 issues that affected one or more of TomorrowNow's customers were tracked in a TomorrowNow-  
15 created database, referred to as the SAS database, and those records were generally referred to as  
16 master fixes.

17 5. Both fixes and master fixes, as those terms were commonly used at  
18 TomorrowNow, were not the items actually being developed and tested. At TomorrowNow, a fix  
19 was the container that contained one or more objects that, grouped together, were the solution for  
20 a defined problem. The specific name given to any particular fix container for a specific  
21 customer included a reference to the broader master fix record. The objects contained within the  
22 fix container were the actual items on which development and testing work was done.

23 6. Additionally, at TomorrowNow, updates were referred to and described as a group  
24 of fixes (with each fix containing one or more objects) which were delivered together. Updates  
25 were also referred to as bundles.

26 7. While TomorrowNow employees might have generally referred to fixes and  
27 updates as what was delivered to customers, in order to know what was done to create the items  
28 inside the fix container, one would have to analyze the development and testing history of each

1 object inside the given fix. One would not be able to tell anything about the development history  
2 by analyzing the container (i.e., fix) itself.

3 8. While employed at TomorrowNow, I do not recall TomorrowNow employees  
4 commonly, if at all, using the phrase “generic environment.” I am not aware of that phrase  
5 having any one specific or common meaning at TomorrowNow.

6 9. I declare under the penalty of perjury that the above facts are based on my personal  
7 knowledge and are true and correct. This Declaration was executed on January \_\_, 2010, at  
8 Atlanta, Georgia.

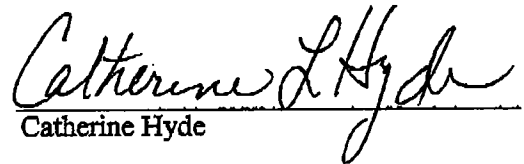
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object inside the given fix. One would not be able to tell anything about the development history by analyzing the container (i.e., fix) itself.

8. While employed at TomorrowNow, I do not recall TomorrowNow employees commonly, if at all, using the phrase "generic environment." I am not aware of that phrase having any one specific or common meaning at TomorrowNow.

9. I declare under the penalty of perjury that the above facts are based on my personal knowledge and are true and correct. This Declaration was executed on January 5, 2010, at Atlanta, Georgia.

  
Catherine Hyde