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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 MIA LEE IN SUPPORT
OF DEFENDANTS' OPPOSITION TO
ORACLE'S MOTION TO MODIFY THE
PROTECTIVE ORDER AND TO COMPEL
DEPOSITION TESTIMONY AND FURTHER
RESPONSES TO REQUESTS FOR
ADMISSION**

Date: January 26, 2010; Time: 9:00 am
Courtroom: E, 15th Floor
Judge: Hon. Elizabeth D. Laporte

1 I, MIA LEE, declare:

2 I am a Senior Contracts Specialist for SAP America Inc. (“SAP America”), one of the
3 Defendants in this case. I make this declaration based on personal knowledge and, if called upon
4 to do so, could testify competently thereto.

5
6 1. Since May 1, 2006, I have held the position of Senior Contracts Specialist for SAP
7 America. My responsibilities included documenting business transactions, providing documents
8 to prospective customers, and negotiating contracts with potential customers. In some contract
9 negotiations, I consulted SAP America’s in-house attorneys for legal advice as needed.

10 2. I have reviewed an unredacted version of Exhibit 1683, SAP-OR00677719-26.
11 This document reflects a series of emails, some of which I either sent or received. The emails
12 refer to a contract negotiation with E & J Gallo Winery. The email dated May 11, 2006, sent at
13 13:56 (1:56 pm), reflects my request for legal advice from Scott Trainor, who I understood to be
14 an SAP America in-house attorney, concerning TomorrowNow’s provision of support services. I
15 intended the communication to be confidential and privileged.
16

17 I declare under penalty of perjury under the laws of the United States and the State of
18 California that the foregoing is true and correct. Executed this _____ day of January 2010 in
19 Irvine, California.
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24 _____
25 Mia Lee
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1. Since May 1, 2006, I have held the position of Senior Contracts Specialist for SAP America. My responsibilities included documenting business transactions, providing documents to prospective customers, and negotiating contracts with potential customers. In some contract negotiations, I consulted SAP America's in-house attorneys for legal advice as needed.

2. I have reviewed an unredacted version of Exhibit 1683, SAP-OR00677719-26. This document reflects a series of emails, some of which I either sent or received. The emails refer to a contract negotiation with E & J Gallo Winery. The email dated May 11, 2006, sent at 13:56 (1:56 pm), reflects my request for legal advice from Scott Trainor, who I understood to be an SAP America in-house attorney, concerning TomorrowNow's provision of support services. I intended the communication to be confidential and privileged.

I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct. Executed this 5th day of January 2010 in Irvine, California.


Mia Lee