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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)

**JOINT STATUS REPORT  
REQUIRED BY  
JANUARY 4, 2010 ORDER**

1 Plaintiffs Oracle USA, Inc., Oracle International Corporation, Oracle EMEA Limited, and  
 2 Siebel Systems, Inc. (collectively, "Oracle") and Defendants SAP AG, SAP America, Inc., and  
 3 TomorrowNow, Inc. (collectively, "Defendants," and with Oracle, the "Parties") submit this Joint  
 4 Status Report pursuant to the Court's January 4, 2010 Order (Dkt. No. 588).

5 Based on information Defendants received directly from Mr. Pulk prior to December 29,  
 6 2009, Defendants believe that the focus of Mr. Pulk's December 29, 2009 letter (Dkt. No. 587) to  
 7 the Court is his complaint about an alarm (beeping noise) coming from one of TomorrowNow's  
 8 servers located at a facility in Bryan, Texas that also houses other companies' servers. Prior to  
 9 Mr. Pulk's letter, Plaintiffs were unaware of this issue. Following the Court's Order, the Parties  
 10 met and conferred, and Defendants explained to Plaintiffs their belief regarding the origin of the  
 11 alarm and stated their intention to make reasonable efforts to preserve the server at issue while  
 12 performing the necessary maintenance to stop the alarm. Now that the alarm has been silenced,  
 13 Defendants believe that the concerns addressed in Mr. Pulk's December 29, 2009 letter have been  
 14 resolved and that no further action is required by the Parties in response to that letter.

15 DATED: February 2, 2010

JONES DAY

16 By: /s/ Scott W. Cowan

17 Scott W. Cowan

18 Attorneys for Defendants

19 SAP AG, SAP AMERICA, INC., and  
 20 TOMORROWNOW, INC.

21 In accordance with General Order No. 45, Rule X, the above signatory attests that  
 22 concurrence in the filing of this document has been obtained from the signatory below.

23 DATED: February 2, 2010

BINGHAM McCUTCHEN LLP

24 By: /s/ Zachary J. Alinder

25 Zachary J. Alinder

26 Attorneys for Plaintiffs

27 Oracle USA, Inc., Oracle International  
 28 Corporation, Oracle EMEA Limited, and  
 Siebel Systems, Inc.