

1 BINGHAM MCCUTCHEN LLP
DONN P. PICKETT (SBN 72257)
2 GEOFFREY M. HOWARD (SBN 157468)
HOLLY A. HOUSE (SBN 136045)
3 ZACHARY J. ALINDER (SBN 209009)
BREE HANN (SBN 215695)
4 Three Embarcadero Center
San Francisco, CA 94111-4067, U.S.A.
5 Telephone: 415.393.2000
Facsimile: 415.393.2286
6 donn.pickett@bingham.com
geoff.howard@bingham.com
7 holly.house@bingham.com
zachary.alinder@bingham.com
8 bree.hann@bingham.com

9 DORIAN DALEY (SBN 129049)
JENNIFER GLOSS (SBN 154227)
10 500 Oracle Parkway, M/S 5op7
Redwood City, CA 94070
11 Telephone: 650.506.4846
Facsimile: 650.506.7144
12 dorian.daley@oracle.com
jennifer.gloss@oracle.com

13 Attorneys for Plaintiffs
14 Oracle USA, Inc., Oracle International
Corporation, Oracle EMEA Limited, and
15 Siebel Systems, Inc.

JONES DAY
ROBERT A. MITTELSTAEDT (SBN 060359)
JASON McDONELL (SBN 115084)
ELAINE WALLACE (SBN 197882)
555 California Street, 26th Floor
San Francisco, CA 94104
Telephone: (415) 626-3939
Facsimile: (415) 875-5700
ramittelstaedt@jonesday.com
jmcdonell@jonesday.com
ewallace@jonesday.com

JONES DAY
THARAN GREGORY LANIER (SBN 138784)
JANE L. FROYD (SBN 220776)
1755 Embarcadero Road
Palo Alto, CA 94303
Telephone: (650) 739-3939
Facsimile: (650) 739-3900
tglanier@jonesday.com
jfroyd@jonesday.com

JONES DAY
SCOTT W. COWAN (Admitted *Pro Hac Vice*)
JOSHUA L. FUCHS (Admitted *Pro Hac Vice*)
717 Texas, Suite 3300
Houston, TX 77002
Telephone: (832) 239-3939
Facsimile: (832) 239-3600
swcowan@jonesday.com
jlfuchs@jonesday.com

Attorneys for Defendants
SAP AG, SAP America, Inc., and
TomorrowNow, Inc.

19 UNITED STATES DISTRICT COURT
20 NORTHERN DISTRICT OF CALIFORNIA
21 OAKLAND DIVISION

23 ORACLE USA, INC., *et al.*,
24 Plaintiffs,
25 v.
26 SAP AG, *et al.*,
27 Defendants.

No. 07-CV-01658 PJH (EDL)

**JOINT STATUS REPORT RE
JANUARY 26, 2010 HEARING RE
PLAINTIFFS' MOTION TO
COMPEL AND TO MODIFY
PROTECTIVE ORDER**

1 As the Court ordered at the January 26, 2010 hearing on the Parties' motions to
2 compel, the Parties have met and conferred regarding Defendants' supplemental responses to
3 Oracle's Requests for Admission ("Requests") that were the subject of Oracle's motion – three
4 times telephonically and also by exchange of letters. The Parties submit this status report of
5 those discussions, as ordered by the Court.

6 The Parties have made progress on some issues, and Defendants have agreed to
7 provide Oracle with sample intended response language for a number of open items by Monday,
8 February 8 which may resolve some of the existing open issues. However, as of now, the Parties
9 still have some fundamental disagreements about the effect of the Court's guidance provided at
10 the hearing. Accordingly, the Parties jointly seek leave from the Court to submit, next week,
11 either a joint letter setting forth the Parties' respective positions, or expedited briefs, according to
12 the Court's preference, and based on the transcript of the hearing. Both Parties prefer that the
13 Court decide any remaining disputes as soon as reasonably possible so that Defendants can
14 complete and serve their supplemental responses, and in order to minimize the possibility of
15 further motion practice subsequent to those supplemental responses. The Parties are available
16 for a call with the Court, if desired, to discuss the logistics of any submission.

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DATED: February 5, 2010

BINGHAM McCUTCHEN LLP

By: _____ /s/
Geoffrey M. Howard
Attorneys for Plaintiffs
Oracle USA, Inc., Oracle International
Corporation, and Oracle EMEA, Ltd.

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

JONES DAY

DATED: February 5, 2010

By: _____ /s/
Scott W. Cowan
Attorneys for Defendants
SAP AG, SAP America, Inc.,
and TomorrowNow, Inc.