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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)  
**PROOF OF SERVICE**

1 I, Shirley Nakano-McSwain, declare:

2 I am a citizen of the United States and employed in Santa Clara County, California. I am  
3 over the age of eighteen years and not a party to the within-entitled action. My business address  
4 is 1755 Embarcadero Road, Palo Alto, California 94303. On March 3, 2010, I served a copy of  
5 the attached document(s):

6 **DEFENDANTS' NOTICE OF MOTION AND MOTION FOR PARTIAL**  
7 **SUMMARY JUDGMENT [SUBMITTED UNDER SEAL]**

8 **DECLARATION OF THARAN GREGORY LANIER IN SUPPORT OF**  
9 **DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT**  
10 **[SUBMITTED UNDER SEAL]**

11 **EXHIBITS A, B, D, E, F, AND H TO THE DECLARATION OF THARAN**  
12 **GREGORY LANIER IN SUPPORT OF DEFENDANTS' MOTION FOR**  
13 **PARTIAL SUMMARY JUDGMENT [SUBMITTED UNDER SEAL]**

14 **DECLARATION OF ELAINE WALLACE IN SUPPORT OF DEFENDANTS'**  
15 **FED. R. EVID. 1006 SUMMARY OF EVIDENCE [SUBMITTED UNDER SEAL]**

16 **EXHIBIT 1 TO THE DECLARATION OF ELAINE WALLACE IN SUPPORT**  
17 **OF DEFENDANTS' FED. R. EVID. 1006 SUMMARY OF EVIDENCE**  
18 **[SUBMITTED UNDER SEAL]**

19  by placing the document(s) listed above in a sealed Federal Express envelope and  
20 affixing a pre-paid air bill, and causing the envelope to be delivered to a Federal  
21 Express agent for delivery.

22  by transmitting via e-mail or electronic transmission the document(s) listed above  
23 to the person(s) at the e-mail address(es) set forth below.

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I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on March 3, 2010, at Palo Alto, California.

By: /s/ Shirley Nakano-McSwain  
Shirley Nakano-McSwain