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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)

**[PROPOSED] ORDER GRANTING
DEFENDANTS' MOTIONS IN
LIMINE**

Date: September 30, 2010
Time: 9:00 a.m.
Courtroom: 3, 3rd Floor
Judge: Hon. Phyllis J. Hamilton

1 Having considered Defendants' Motions in Limine, the supporting declaration of Jason
2 McDonell, and exhibits attached thereto, which were filed with the Court on August 5, 2010:

3 IT IS HEREBY ORDERED THAT:
4

5 1. Defendants' Motion in Limine No. 1 to exclude evidence and argument regarding
6 alleged harm to goodwill is:

7
8 GRANTED: Plaintiffs shall not argue to the jury or attempt to present any
9 evidence related to alleged harm to Plaintiffs' goodwill or any damages based on such alleged
10 harm.

11 *or,*

12 DENIED
13

14 2. Defendants' Motion in Limine No. 2 regarding precluded damages evidence is:

15
16 GRANTED: Plaintiffs shall not argue to the jury or attempt to present any
17 evidence, directly or indirectly, related to the damages evidence excluded by this Court's
18 November 2, 2009 Order.

19 *or,*

20 DENIED
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22 3. Defendants' Motion in Limine No. 3 to exclude evidence and argument of
23 damages for nonparty entities is:

24
25 GRANTED: Plaintiffs shall not argue to the jury or attempt to present any
26 evidence related to a claim for damages to the Oracle organization as a whole.

27 *or,*

28 DENIED

1 4. Defendants’ Motion in Limine No. 4 to exclude rebuttal testimony regarding the
2 Sommer Report is:

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4 GRANTED: Plaintiffs shall not present any expert testimony in rebuttal to the
5 Expert Report of Brian S. Sommer.

6 *or,*

7 DENIED

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9 5. Defendants’ Motion in Limine No. 5 to exclude improper opinion of lay witnesses
10 and undisclosed experts is:

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12 GRANTED: Plaintiffs shall not argue to the jury or present any evidence
13 constituting improper technical opinions of lay witnesses or opinions of undisclosed experts.

14 *or,*

15 DENIED

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17 6. Defendants’ Motion in Limine No. 6 to exclude deposition testimony invoking the
18 attorney-client privilege is:

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20 GRANTED: Plaintiffs shall not argue to the jury or present any evidence
21 regarding testimony wherein Defendants’ witnesses invoke the attorney-client privilege.

22 *or,*

23 DENIED

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1 7. Defendants' Motion in Limine No. 7 to exclude evidence and argument regarding
2 investigations by the DOJ and FBI is:

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4 GRANTED: Plaintiffs shall not argue to the jury or present any evidence related
5 to the DOJ's and FBI's investigation into the facts and circumstances involved in this matter or
6 the current investigation into Oracle Corporation.

7 *or,*

8 DENIED

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10 8. Defendants' Motion in Limine No. 8 to exclude evidence and argument regarding
11 the legality of Rimini Street, Inc.'s Business Model is:

12
13 GRANTED: Plaintiffs shall not argue to the jury or present any evidence
14 concerning the legality of the business model of nonparty Rimini Street, Inc.

15 *or,*

16 DENIED

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18 9. Defendants' Motion in Limine No. 9 to exclude evidence and argument regarding
19 Hyperion, Retek and E-Business Suite product lines is:

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21 GRANTED: Plaintiffs shall not argue to the jury or present any evidence or
22 testimony regarding whether Defendant supported or proposed to support Hyperion, Retek and E-
23 Business Suite.

24 *or,*

25 DENIED

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10. Defendants' Motion in Limine No. 10 to preclude Plaintiffs' from referring to Defendant TomorrowNow, Inc. as SAP/TN is:

GRANTED: Plaintiffs shall not refer to or proffer evidence referring to Defendant TomorrowNow, Inc. as SAP/TN, nor shall Plaintiffs allege that Defendant TomorrowNow, Inc. is called SAP/TN.

or,

DENIED

IT IS SO ORDERED.

DATED: _____

By: _____
Hon. Phyllis J. Hamilton
United States District Court Judge