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

22 ORACLE USA, INC., *et al.*,

23 Plaintiffs,

24 v.

25 SAP AG, *et al.*,

26 Defendants.

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Case No. 07-CV-01658 PJH (EDL)

**JOINT PROPOSED SUPPLEMENTAL
QUESTIONS FOR JUROR
QUESTIONNAIRE, JOINT PROPOSED
VOIR DIRE QUESTIONS, AND
DEFENDANTS' SEPARATE
SUBMISSION OF ADDITIONAL VOIR
DIRE QUESTIONS**

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

Pursuant to the Court’s Pretrial Instructions, Plaintiffs Oracle USA, Inc., Oracle International Corporation, Oracle EMEA Limited, and Siebel Systems, Inc. (collectively, “Oracle”) and Defendants SAP AG, SAP America, Inc., and TomorrowNow, Inc. (collectively, “Defendants,” and with Oracle, the “Parties”) submit their Joint Proposed Supplemental Questions For Juror Questionnaire, Joint Proposed Voir Dire Questions and Defendants’ Separate Submission of Additional Voir Dire Questions, attached as Exhibit A. In light of the complexities of this case, the Parties jointly submit the attached proposed supplemental questions to be provided to venire members to complete prior to voir dire, along with the Court’s standard voir dire questionnaire. Defendants’ separately proposed voir dire questions are submitted subject to, and without waiving, Oracle’s objections.

DATED: August 5, 2010

Bingham McCutchen LLP

By: /s/ Zachary J. Alinder
 Zachary J. Alinder
 Attorneys for Plaintiffs
 Oracle USA, Inc., Oracle International Corporation, Oracle EMEA Limited, and Siebel Systems, Inc.

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.

DATED: August 5, 2010

JONES DAY

By: /s/ Tharan Gregory Lanier
 Tharan Gregory Lanier
 Attorneys for Defendants
 SAP AG, SAP America, Inc., and TomorrowNow, Inc.

EXHIBIT A

JOINT PROPOSED SUPPLEMENTAL QUESTIONS FOR JUROR
QUESTIONNAIRE

In light of the complexities of this case, the parties jointly submit the following proposed supplemental questions to be provided to venire members to complete prior to voir dire, along with the Court's standard voir dire questionnaire.

* * *

Full Name: _____
(First) (Middle) (Last)

1. Which of the following describes your current residence?

- Single-family home that I own
- Apartment/condominium that I own
- Single family home that I rent
- Apartment that I rent
- Live in a home owned or rented by parents/family members
- Other (please describe): _____

2. How long have you lived in the city of your current residence?

3. If you live with any other adults, please identify their relationship to you and their occupations:

4. What best describes your current employment status? (CHECK ALL THAT APPLY)

- Employed part-time Employed full-time Unemployed, looking for work
- Unemployed, not looking for work Retired since _____ (date)
- Self-employed Full time student Part time student Homemaker
- Other (Please explain: _____)

5. How long have you worked for your current employer or, if not currently working, how long did you work for your most recent employer?
-

6. What is the highest level of education you have completed?

<input type="checkbox"/> Grade school or less	<input type="checkbox"/> College Graduate (Major): _____
<input type="checkbox"/> Some high school	
<input type="checkbox"/> High school graduate	<input type="checkbox"/> Graduate study/degree (Area/Degree): _____
<input type="checkbox"/> Some college (Major): _____	
<input type="checkbox"/> Technical, vocational or business school (Area/Degree): _____	
Other (Please explain): _____	

7. Have you studied, traveled or worked abroad (i.e. outside the United States)? If yes, where and when:
-

8. What is the highest level of education your spouse, partner, or significant other has completed?

<input type="checkbox"/> Grade school or less	<input type="checkbox"/> College Graduate (Major): _____
<input type="checkbox"/> Some high school	
<input type="checkbox"/> High school graduate	<input type="checkbox"/> Graduate study/degree (Area/Degree): _____
<input type="checkbox"/> Some college (Major): _____	
<input type="checkbox"/> Technical, vocational or business school (Area/Degree): _____	
Other (Please explain): _____	

9. If divorced, widowed, or separated, what kind of work did your spouse, partner or significant other do?

10. How knowledgeable are you about business software or databases in general?

___ Very ___ Somewhat ___ Not very ___ Not at all

If you have knowledge, please explain: _____

11. Have you, a family member, or someone close to you taken any courses or had any specialized training or experience (including work experience) involving the following?

(If yes, please explain the training or experience you or they have had.)

	YES	NO	Please Explain
Computer/Technical			
Software Systems and/or Development			
Information Technology (IT)			
Business/Management			
Sales			
Contracts			
Copyrights/Patents/Trademarks			
Law			

12. Do you, a family member, or someone close to you have any knowledge, training, advanced education, or work experience with any of the following software systems? (Please check all that apply):

- Timekeeping software
- Enterprise software, including but not limited to Human Resource Management software (HRMS), accounting software, Customer Relationship Management software (CRM), Supply Chain Management software, Financials, Distribution and Manufacturing software, Enterprise Performance Management software (EPM), Student Administration software
- Database software
- Any Oracle product: (please specify) _____
- Any PeopleSoft product: (please specify) _____
- Any J.D. Edwards product: (please specify) _____
- Any Siebel product: (please specify) _____
- Any SAP product: (please specify) _____

If yes, please explain: _____

13. Have you or anyone close to you ever applied for a patent, copyright or trademark?

Yes No

If your answer is yes:

What was it for?

Do you/they hold a patent, copyright or trademark or was the application denied?

14. Have you, a family member, or someone close to you ever purchased a business (either personally or on behalf of your/their employer)?

Yes No

If yes, please explain: _____

15. Have you or a member of your family ever owned or run a business?

Yes, self Yes, family member No

If yes, please specify who, and describe the business and how many employees:

Was the business successful? Yes No Not sure

16. Have you ever been:

a. An officer or director of a company

Yes No

b. A shareholder of a company

Yes No

c. An executive, manager, or supervisor of a company

Yes No

17. Have you ever held a job in which you negotiated licenses for intellectual property, such as patents, copyrights, or trademarks? Yes No

If yes, please explain: _____

18. If you have served on a jury before:

What type of case(s) _____

Did you ever serve as a jury foreperson? ____ Yes ____ No

How many of the jury(ies) on which you served reached a verdict? _____

19. Have you, a family member, or close friend ever been involved in a lawsuit (including as a witness at trial or a witness at a deposition)?

____ Yes ____ No

If yes, please explain (including whether the outcome was satisfactory):

20. Are you a member of a union? ____ Yes ____ No

If yes, have you ever been a shop steward, union representative, business agent or an elected union official (please specify which one)?

21. What social, civic, professional, trade, volunteer, or other organizations do you belong to? Please list any offices you have held in any organizations you identify.

22. What social, civic, professional, trade, volunteer, or other organizations does your spouse, partner, or significant other belong to? Please list any offices he/she has held in any organizations you identify.

23. Generally speaking, do you think that money damage awards from lawsuits in the U.S. are:

Too high About right Too low No opinion

24. Do you follow the news on a regular basis? Yes No

25. Which **one** source of news do you follow most?

<input type="checkbox"/> Television	<input type="checkbox"/> Newspaper
<input type="checkbox"/> Magazines	<input type="checkbox"/> The Internet
<input type="checkbox"/> Radio	<input type="checkbox"/> Other
<input type="checkbox"/> None of the above	

26. What types of television/radio programs, books, magazines, newspapers, and websites do you typically read/visit?

27. How would you describe your political views?

<input type="checkbox"/> Very liberal	<input type="checkbox"/> Conservative
<input type="checkbox"/> Liberal	<input type="checkbox"/> Very conservative
<input type="checkbox"/> Middle-of-the-road	

28. Do you: CHECK ALL THAT APPLY:

Use a computer at work	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Use a computer at home	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Use the internet to find information	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Use the internet to download	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Troubleshoot or repair computers	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Feel comfortable using a computer	<input type="checkbox"/> Yes	<input type="checkbox"/> No

If your answer to any of the above is "yes," please explain, including how often:

29. Have you or any member of your family been affected by the recent economic downturn and/or mortgage crisis? ___Yes ___No

If yes, please explain: _____

30. Do you regularly read technology magazines and/or follow technology news and trends? ___Yes ___No

31. Have you ever worked for a “high tech” company? ___Yes ___No

If yes, which company(ies): _____

32. Have you heard of any of the companies involved in this case or companies acquired by the companies in this case?

	<u>YES</u>	<u>NO</u>
Oracle International Corp.	___	___
Oracle USA, Inc.	___	___
Oracle EMEA Limited	___	___
Siebel Systems, Inc.	___	___
J.D. Edwards	___	___
PeopleSoft	___	___
TomorrowNow, Inc.	___	___
SAP America, Inc.	___	___
SAP AG	___	___
Acquired company (write in): _____	___	___

If you checked yes to any of the above, please explain (including any opinions you have):

33. Have you or anyone close to you ever worked for, owned stock in or done business with companies involved in this case or companies acquired by the companies in this case?

	<u>YES</u>	<u>NO</u>
Oracle International Corp.	___	___
Oracle USA, Inc.	___	___
Oracle EMEA Limited	___	___
Siebel Systems, Inc.	___	___
J.D. Edwards	___	___
PeopleSoft	___	___
TomorrowNow, Inc.	___	___
SAP America, Inc.	___	___
SAP AG	___	___
Acquired company (write in): _____	___	___

If you checked yes to any of the above, please explain:

34. Have you heard of or do you know anything about Larry Ellison?

___ Yes ___ No

If you checked yes, please explain (including any opinions you have about Mr. Ellison):

35. Do you know any of the attorneys representing the parties in this case?

David Boies	___	Yes	___	No
Steven C. Holtzman	___	Yes	___	No
Donn P. Pickett	___	Yes	___	No
Geoffrey M. Howard	___	Yes	___	No
Holly A. House	___	Yes	___	No
Dorian Daley	___	Yes	___	No
Jennifer Gloss	___	Yes	___	No
Robert A. Mittelstaedt	___	Yes	___	No
Jason McDonell	___	Yes	___	No
Elaine Wallace	___	Yes	___	No

Tharan Gregory Lanier	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
Jane L. Froyd	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
Scott W. Cowan	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
Joshua L. Fuchs	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No

36. Have you ever been employed by or represented by or had any business dealings of any nature with the law firm of Jones Day, the law firm of Boies, Schiller & Flexner or the law firm of Bingham McCutchen?

Yes No

If yes, please state the firm with which you have (or had) the relationship, and briefly describe nature and extent of the relationship (without revealing anything confidential):

37. If you have relatives or close personal friends who are judges or attorneys or court personnel, what are their names and relationship to you, and where are they located? (If they are judges or court personnel, please indicate the court where they work, if you know.)

38. Do you speak and/or read German? Yes No

If yes, please describe your level of fluency. _____

39. Attached is a list of persons who are potential witnesses or attorneys in this case. If you know, or think you may know, any of the persons listed below please circle their names.

Please indicate here whether you have circled any name(s): Yes No

40. This trial is expected to last approximately 6 weeks for four days per week. Can you serve as a juror for this period of time?

Yes No

If no, please briefly explain your reasons. _____

41. Describe any vision, hearing, language, or other medical problems that may affect your jury service:

42. Do you know anyone on this jury panel?

Yes (Who? _____) No

43. Is there anything else you think the Court and parties in this dispute should know about you that would affect your ability to be a fair and impartial juror in this case?

Yes No

If yes, please describe. _____

VERIFICATION

I, _____, declare under penalty of perjury under the laws of the State of California that the foregoing responses I have given on this Juror Questionnaire, and on any attached sheets, if any, are true and correct to the best of my knowledge and belief.

(Date)

(Signature)

Thank you for your answers.

Before returning this questionnaire to the Court, please check to see that you have answered all the questions.

JOINT PROPOSED VOIR DIRE QUESTIONS

In accordance with the Court's Case Management and Pretrial Order (D.I. 84), the parties jointly submit the following additional voir dire questions to be posed by the Court.

* * *

1. Have you ever believed or had the experience that someone else has used your intellectual property or work product inappropriately? If so, what happened? Explain the circumstances and what you did about the situation, if anything.
2. Have you or a spouse, partner, significant other, or family member ever lost a job for reasons you consider unfair or unjustified? If so, please explain.
3. Have you heard, read, or seen anything in the press or media about this lawsuit or any lawsuit that is similar? If so, what have you heard, read, or seen? Have you formed any opinions about this lawsuit based on what you have heard, read, or seen?
4. Plaintiffs in this case are seeking punitive damages. Is there anyone here who has an opinion about whether punitive damages are appropriate in a business dispute?
5. Do you have any strong feelings about any computer software companies? If yes, which companies? Please explain.

SEPARATE PROPOSED VOIR DIRE QUESTIONS

In accordance with the Court's Case Management and Pretrial Order (D.I. 84), the parties hereby separately submit the following additional voir dire questions to be posed by the Court.

* * *

Defendants' Proposed Voir Dire Questions

1. All of the parties in this case are corporations. The ethics of corporations are often under question in the news these days. Do you have any strong feelings about corporations?
2. One of the defendants in this case, SAP AG, is based in Germany. Do you believe you will be unable to give fair and equal consideration to SAP AG because it is a German company?