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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)

**DEFENDANTS' TRIAL WITNESS  
LIST**

1 Defendants submit the attached trial witness list indicating all of those witnesses whom  
2 Defendants expect to call at trial, either in person or by deposition. *See* Exhibit “A,” which is  
3 attached hereto and incorporated by reference as if fully set forth herein. Defendants’ Trial  
4 Witness List should be considered to include testimony within the scope of Defendants’  
5 deposition designations. Certain witnesses named in the attached list provided all or some of  
6 their deposition testimony in a representative capacity (*i.e.*, under Fed. R. Civ. P. 30(b)(6)) on  
7 behalf of a party or third party entity and that fact is noted on the face of their deposition  
8 transcript. In those instances, the designated witness shall be deemed to be the entity on whose  
9 behalf the individual provided the deposition testimony.

10 The attached trial witness list is based on the claims and defenses currently asserted in this  
11 case and may be updated in light of the parties’ ongoing efforts to streamline trial and depending  
12 on the Court’s rulings on pending motions for summary judgment, motions in limine and *Daubert*  
13 motions. Moreover, consistent with this Court’s orders, the attached list does not necessarily  
14 include all those witnesses whom Defendants may call at trial solely for impeachment or rebuttal.

15 Dated: August 5, 2010

Respectfully submitted,

Jones Day

18 By: /s/ Tharan Gregory Lanier  
19 Tharan Gregory Lanier

20 Attorneys for Defendants  
21 SAP AG, SAP AMERICA, INC., and  
22 TOMORROWNOW, INC.

# **EXHIBIT A**

**ORACLE USA, INC. ET AL. v SAP AG ET AL.**  
**USDC -- NORTHERN DIST. OF CALIFORNIA**  
**Case No. C 07 1658 PJH (EDL)**

**DEFENDANTS' WITNESS LIST**

WITNESS	SUBSTANCE OF TESTIMONY
Abbo, Edward	Plaintiffs' products and services; Plaintiffs' knowledge of TN; Plaintiffs' sales and marketing
Adler, Todd	Copyrights at issue
Agassi, Shai	TN acquisition; SAP and TN competition with Oracle; SAP's interactions with TN; SAP sales and marketing; SAP's products and services; Causation and damages
Allison, Richard	Plaintiffs' agreements; Plaintiffs' sales and marketing
Andersen, Jesper	Plaintiffs' products and services; Plaintiffs' knowledge of TN; Plaintiffs' sales and marketing; Plaintiffs' business operations; Plaintiffs' competitive intelligence regarding TN; Causation and damages
Anderson, Mark	Causation and damages; Travel Centers of America
Bailey, Thomas	Causation and damages; Honeywell
Baugh, John	TN's services; TN's business operations; TN's computer systems
Bigos, Paul	SAP's interactions with TN
Block, Keith	Plaintiffs' agreements; Plaintiffs' sales and marketing; Causation and damages
Blotner, Richard	Plaintiffs' products and services; Plaintiffs' agreements; Plaintiffs' sales and marketing; Plaintiffs' business operations
Bowden, Matthew	TN's services; TN's business operations
Brandt, Werner	TN acquisition; TN's business operations; SAP's interactions with TN; SAP's financials and customer information; Causation and damages
Brazile, Steven	Causation and damages; Sara Lee
Breuer, Martin	TN's services; TN's business operations; SAP's interactions with TN
Brook, Paul	Causation and damages
Buehrle, Jeffery	TN's services; TN's business operations
Burke, John	Plaintiffs' knowledge of TN; Plaintiffs' competitive intelligence regarding TN

**ORACLE USA, INC. ET AL. v SAP AG ET AL.**  
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**Case No. C 07 1658 PJH (EDL)**

**DEFENDANTS' WITNESS LIST**

<b>WITNESS</b>	<b>SUBSTANCE OF TESTIMONY</b>
Carey, Thomas	SAP sales and marketing; SAP's products and services; Causation and damages
Catz, Safra	Plaintiffs' financials and customer information; Causation and damages; Oracle's acquisitions of PeopleSoft and Siebel
Clarke, Stephen	Expert report and related issues
Cooley, Paul	Causation and damages; Waste Management
Crossman, Meeia	Plaintiffs' knowledge of TN; Plaintiffs' sales and marketing; Plaintiffs' competitive intelligence regarding TN; Causation and damages
Cummins, Richard	Plaintiffs' products and services; Plaintiffs' knowledge of TN; Plaintiffs' agreements; Plaintiffs' sales and marketing; Plaintiffs' competitive intelligence regarding TN; SAP and TN competition with Oracle; Causation and damages
Custodian(s) or Declarant(s) of Record	Authentication and admission of documents as needed
Diehl, Treasure	Plaintiffs' products and services; Plaintiffs' knowledge of TN; Plaintiffs' collection and retention of documents
Duggan, Paul	Plaintiffs' products and services; Plaintiffs' knowledge of TN; Plaintiffs' sales and marketing; Plaintiffs' business operations; Causation and damages
Ellison, Larry	Plaintiffs' products and services; Plaintiffs' knowledge of TN; Plaintiffs' agreements; Plaintiffs' financials and customer information; Plaintiffs' claims against SAP and TN; Plaintiffs' business operations; SAP and TN competition with Oracle; Causation and damages; Oracle's acquisitions of PeopleSoft and Siebel
Faye, Christopher	TN acquisition; TN's business operations; SAP's interactions with TN
Funck, Gary	Expert report and related issues
Furey, Marina	Plaintiffs' products and services; Plaintiffs' sales and marketing
Garafola, Michael	TN's services; TN's business operations; TN's computer systems; Causation and damages
Garcia, Larry	TN's services; TN's business operations

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**DEFENDANTS' WITNESS LIST**

<b>WITNESS</b>	<b>SUBSTANCE OF TESTIMONY</b>
Garcia, Melissa	TN's services; TN's business operations; TN's computer systems
Garmus, David	Expert report and related issues
Geib, Bob	TN's business operations; TN sales and marketing; TN's financials and customer information; SAP and TN competition with Oracle; SAP's interactions with TN; Causation and damages
Graf, Peter	SAP sales and marketing
Gray, Stephen	Expert report and related issues
Grieshaber, Gary	Plaintiffs' products and services; Plaintiffs' knowledge of TN; Plaintiffs' agreements; Plaintiffs' business operations; Causation and damages
Guner, Ivgen	Plaintiffs' financials and customer information
Hallenberger, Tracy	Causation and damages; Baker Botts
Harrel, Robyn	Causation and damages; Apria Healthcare
Harris, Desmond	TN's services; TN's business operations; TN's computer systems
Henslee, Robbin	Plaintiffs' products and services; Plaintiffs' knowledge of TN; Plaintiffs' sales and marketing; Plaintiffs' claims against SAP and TN; Plaintiffs' investigation of TN; Plaintiffs' business operations; Plaintiffs' competitive intelligence regarding TN; SAP and TN competition with Oracle; Causation and damages
Homs, Charles	Plaintiffs' knowledge of TN; Plaintiffs' investigation of TN; Plaintiffs' competitive intelligence regarding TN
Hummel, Christopher	Plaintiffs' products and services; Plaintiffs' knowledge of TN; Plaintiffs' sales and marketing; Plaintiffs' collection and retention of documents; Causation and damages
Hurst, Terry	SAP sales and marketing
Hyde, Catherine	TN's services; TN's business operations; TN's computer systems
Jerome, Daniel	Causation and damages; Electrolux
Jones, Juan	Plaintiffs' products and services; Plaintiffs' knowledge of TN; Plaintiffs' agreements; Plaintiffs' sales and marketing; Plaintiffs' competitive intelligence regarding TN; Causation and damages

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WITNESS	SUBSTANCE OF TESTIMONY
Kagermann, Henning	TN acquisition; SAP and TN competition with Oracle; SAP's interactions with TN; SAP's financials and customer information; Causation and damages
Kees, Jason	Plaintiffs' knowledge of TN; Plaintiffs' collection and retention of documents; Plaintiffs' claims against SAP and TN; Plaintiffs' computer systems; Plaintiffs' investigation of TN; Plaintiffs' business operations; Plaintiffs' competitive intelligence regarding TN
Kehring, Douglas	Plaintiffs' financials and customer information; Causation and damages; Oracle's acquisitions of PeopleSoft and Siebel
Kishore, Ann	Plaintiffs' agreements
Knox, Darron	Plaintiffs' financials and customer information
Kobliska, Mary	SAP sales and marketing; SAP's products and services; Causation and damages
Koehler, Uwe	Plaintiffs' knowledge of TN; Plaintiffs' collection and retention of documents; Plaintiffs' claims against SAP and TN; Plaintiffs' computer systems; Plaintiffs' investigation of TN; Plaintiffs' business operations; Causation and damages
Kreul, John	Causation and damages; Pepsi America
Kreutz, Mark	TN's services; TN's business operations; TN's computer systems; SAP's interactions with TN; Causation and damages
Lanford, Peggy	TN's services; TN's business operations; TN's computer systems
Lester, Beth	TN's services; TN's business operations
Lester, George	Plaintiffs' computer systems; TN's services; TN's business operations; TN's computer systems
Loftus, Lesley	TN's business operations; TN sales and marketing
Ludlam, Robert	TN's business operations; TN sales and marketing; SAP and TN competition with Oracle; SAP's interactions with TN; Causation and damages
Lyskawa, Nancy	Plaintiffs' knowledge of TN; Plaintiffs' sales and marketing; Plaintiffs' collection and retention of documents; Plaintiffs' investigation of TN; Plaintiffs' competitive intelligence regarding TN; Causation and damages

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WITNESS	SUBSTANCE OF TESTIMONY
Mackey, James	TN acquisition; SAP and TN competition with Oracle; SAP's interactions with TN
Martinez, Kimberley	TN's services; TN's business operations
McCloskey, Mike	SAP sales and marketing; SAP's products and services; Causation and damages
McDermott, Bill	SAP and TN competition with Oracle; SAP's interactions with TN; SAP's financials and customer information; SAP sales and marketing; SAP's products and services; Causation and damages
McMillan, Eileen	Plaintiffs' financials and customer information; Plaintiffs' business operations
Mrak, Jennifer	SAP's interactions with TN
Nelson, Andrew	TN acquisition; TN's services; TN's business operations; TN sales and marketing; TN's financials and customer information; TN's computer systems; SAP and TN competition with Oracle; SAP's interactions with TN; Causation and damages
Nelson, Shelley	TN's services; TN's business operations; TN sales and marketing; TN's computer systems; SAP and TN competition with Oracle
Nolan, Brad	Plaintiffs' products and services; Plaintiffs' knowledge of TN; Plaintiffs' agreements; Plaintiffs' sales and marketing; Plaintiffs' investigation of TN; Plaintiffs' business operations; Causation and damages
O'Donnell, Jeffrey	Causation and damages; Lexmark
O'Neil, Owen	TN's services; TN's business operations
Osterloh, Eric	TN's business operations; TN sales and marketing; TN's financials and customer information; SAP and TN competition with Oracle; SAP's interactions with TN
Phillips, Charles	Plaintiffs' products and services; Plaintiffs' agreements; Plaintiffs' sales and marketing; Plaintiffs' financials and customer information; Plaintiffs' claims against SAP and TN; Plaintiffs' business operations; Causation and damages
Phillips, Spencer	TN's business operations; TN sales and marketing; SAP and TN competition with Oracle; Causation and damages

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WITNESS	SUBSTANCE OF TESTIMONY
Plattner, Hasso	SAP and TN competition with Oracle; SAP's products and services; Causation and damages
Poplack, Michael	Plaintiffs' agreements; Plaintiffs' business operations; Copyrights at issue; Causation and damages
Ransom, Buffy	Plaintiffs' products and services; Plaintiffs' knowledge of TN; Plaintiffs' sales and marketing; Plaintiffs' investigation of TN; Causation and damages
Ravin, Seth	Plaintiffs' products and services; Plaintiffs' knowledge of TN; Plaintiffs' agreements; Plaintiffs' sales and marketing; Plaintiffs' business operations; TN acquisition; TN's services; TN's business operations; TN sales and marketing; SAP and TN competition with Oracle; SAP's interactions with TN; Causation and damages
Reifer, Donald	Expert report and related issues
Restmeyer, Dan	Causation and damages; Amgen
Rottler, Juergen	Plaintiffs' products and services; Plaintiffs' knowledge of TN; Plaintiffs' agreements; Plaintiffs' sales and marketing; Plaintiffs' collection and retention of documents; Plaintiffs' business operations; Plaintiffs' competitive intelligence; Causation and damages
Rozwat, Charles	Plaintiffs' products and services; Plaintiffs' financials and customer information; Plaintiffs' business operations; SAP and TN competition with Oracle; Causation and damages
Russell, Roderic	TN's services; TN's business operations
Ryland, Keith	Plaintiffs' financials and customer information; Plaintiffs' business operations
Sanders, Tawanna	Plaintiffs' knowledge of TN; Plaintiffs' sales and marketing; Plaintiffs' claims against SAP and TN; Plaintiffs' investigation of TN; Plaintiffs' competitive intelligence regarding TN; SAP and TN competition with Oracle; Causation and damages
Sebti, Claire	Plaintiffs' financials and customer information; Plaintiffs' business operations
Shander, Stephen	SAP sales and marketing; SAP's products and services; Causation and damages

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<b>WITNESS</b>	<b>SUBSTANCE OF TESTIMONY</b>
Shankle, Keith	TN's services; TN's business operation; TN's computer systems
Shenkman, Arlen	TN acquisition; SAP's interactions with TN
Shippy, Elizabeth	Plaintiffs' knowledge of TN; Plaintiffs' sales and marketing; Plaintiffs' financials and customer information; Plaintiffs' collection and retention of documents; Plaintiffs' investigation of TN; Plaintiffs' business operations; Causation and damages
Sim, Judith	Plaintiffs' sales and marketing; Causation and damages
Singh, Bruno	Causation and damages; NBC Universal
Sommer, Brian	Expert report and related issues
Spencer, Bruce	Expert report and related issues
Storn, David	Plaintiffs' financials and customer information; Plaintiffs' business operations
Story, Greg	Plaintiffs' products and services; Plaintiffs' computer systems; Plaintiffs' business operations
Subramanian, Rocky	SAP sales and marketing; SAP's products and services; Causation and damages
Surette, Peter	TN's services; TN's business operations
Tanner, John	TN's service; TN's business operations; TN sales and marketing; TN's financials and customer information; SAP and TN competition with Oracle; SAP's interactions with TN
Testone, Josh	TN's services; TN's business operations; TN's computer systems
Thomas, William	TN's services; TN's business operations; TN's computer systems; SAP's interactions with TN
Tseng, Stephen	TN acquisition; TN's business operations; SAP's interactions with TN
Van Boening, Michael	Plaintiffs' products and services; Plaintiffs' knowledge TN; Plaintiffs' sales and marketing; Plaintiffs' financials and customer information; Causation and damages
Vandaele, Walter	Expert report and related issues
Vardell, Daniel	Plaintiffs' products and services; Plaintiffs' computer systems

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WITNESS	SUBSTANCE OF TESTIMONY
VonFeldt, Patti	TN's services; TN's business operations; TN's computer systems
Walden, Wade	TN's services; TN's business operations
Wasson, Robert	Causation and damages; McLennan County
Welz, Bernd	SAP and TN competition with Oracle; SAP's interactions with TN; SAP's financials and customer information; SAP sales and marketing; SAP's products and services; Causation and damages
Wendell, Michael	SAP sales and marketing
West, Corey	Plaintiffs' financials and customer information; Plaintiffs' business operations
White, Mark	TN's services; TN's business operations; TN sales and marketing; TN's financials and customer information; TN's computer systems; SAP and TN competition with Oracle; SAP's interactions with TN; SAP's financials and customer information; Causation and damages
Wieditz, Uwe	SAP's interactions with TN; SAP's products and services
Williams, Kathy	TN's services; TN's business operations
Wittenbrink, Mark	SAP sales and marketing; SAP's products and services; Causation and damages
Wookey, John	Plaintiffs' products and services; Plaintiffs' sales and marketing; Causation and damages
Zepecki, John	TN acquisition
Ziemen, Thomas	TN acquisition; TN's services; TN's business operations; TN sales and marketing; TN's financials and customer information; SAP and TN competition with Oracle; SAP's interactions with TN; SAP's financials and customer information; SAP sales and marketing; SAP's product and services; Causation and damages