

1 BINGHAM McCUTCHEM 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
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 BOIES, SCHILLER & FLEXNER LLP
DAVID BOIES (Admitted *Pro Hac Vice*)
333 Main Street
10 Armonk, NY 10504
Telephone: (914) 749-8200
11 Facsimile: (914) 749-8300
dboies@bsfllp.com

12 STEVEN C. HOLTZMAN (SBN 144177)
13 FRED NORTON (SBN 224725)
1999 Harrison St., Suite 900
14 Oakland, CA 94612
Telephone: (510) 874-1000
15 Facsimile: (510) 874-1460
sholtzman@bsfllp.com
16 fnorton@bsfllp.com

17 DORIAN DALEY (SBN 129049)
JENNIFER GLOSS (SBN 154227)
500 Oracle Parkway, M/S 5op7
18 Redwood City, CA 94070
Telephone: (650) 506-4846
19 Facsimile: (650) 506-7114
dorian.daley@oracle.com
20 jennifer.gloss@oracle.com

21 Attorneys for Plaintiffs
Oracle USA, Inc., *et al.*

22 UNITED STATES DISTRICT COURT
23 NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

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

25 Plaintiffs,
26 v.

27 SAP AG, *et al.*,

28 Defendants.

Robert A. Mittelstaedt (SBN 060359)
Jason McDonell (SBN 115084)
Elaine Wallace (SBN 197882)
JONES DAY
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

Tharan Gregory Lanier (SBN 138784)
Jane L. Froyd (SBN 220776)
JONES DAY
1755 Embarcadero Road
Palo Alto, CA 94303
Telephone: (650) 739-3939
Facsimile: (650) 739-3900
tglanier@jonesday.com
jfroyd@jonesday.com

Scott W. Cowan (Admitted *Pro Hac Vice*)
Joshua L. Fuchs (Admitted *Pro Hac Vice*)
JONES DAY
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.

NO. 07-CV-01658PJH (EDL)

**STIPULATION AND [PROPOSED]
ORDER REGARDING DATA
PRODUCED BY DEFENDANTS ON
MARCH 15, 2010**

1 Plaintiffs Oracle USA, Inc., Oracle International Corporation, and Siebel Systems, Inc.
2 (collectively, “Oracle”) and Defendants SAP AG, SAP America, Inc., and TomorrowNow, Inc.
3 (“TN,” and together with SAP AG and SAP America, Inc., “Defendants,” and all together with
4 Oracle, the “Parties”), jointly enter this Stipulation Regarding Data Produced by Defendants On
5 March 15, 2010 (the “Stipulation”).

6 WHEREAS, on March 15, 2010, Defendants produced two hard drives to Oracle collected
7 from certain images of machines or media such as DVDs (“Images”) used or held by TN’s
8 employees previously named by Oracle as discovery custodians in this litigation;¹

9 WHEREAS, the Parties have jointly determined that the hard drives produced on March
10 15, 2010 contained approximately 85,000 files (that when uncompressed contain approximately
11 385,000 files) that were responsive to Oracle’s Discovery Requests and relevant to Oracle’s
12 allegations in this litigation;

13 WHEREAS, the March 15, 2010 production also included approximately 26,000 Instant
14 Message conversations, many, but not all of which are responsive to Oracle’s Discovery Requests
15 and are relevant to Oracle’s allegations in this litigation;

16 **NOW, THEREFORE, THE FOLLOWING FACTS ARE HEREBY STIPULATED**
17 by the Parties, through their respective counsel of record, as follows: As is typical in the
18 enterprise software industry, Oracle’s customers purchase licenses granting them specific rights
19 with respect to Oracle’s software applications and database products. Licensed customers may
20 also purchase technical support services that include the right to obtain software updates, fixes,
21 patches, and documentation related to their licensed products. Oracle makes many of these
22 materials available to licensed customers on its password-protected support websites.

23 This litigation involves multiple claims by Oracle related to how Defendants offered and
24 TN provided competing technical support for Oracle products. Oracle alleges that in order to
25 offer and provide this support, TN unlawfully copied, modified, distributed, and used Oracle’s
26

27 ¹ The hard drives are identified as TN Hard Drives 120 and 121 and were bates labeled TN-
28 OR10395670 and TN-OR10395671 respectively. Five of the Images for Mark Kreutz in this
production were also made available to Oracle for inspection in late 2007.

1 software applications in multiple ways, as well as accessed, downloaded, and used the support
2 materials related to those applications.

3 **I. DEFINITIONS**

4 1. “Custodians” or “Custodial” as used below means the TN employees whose
5 Images contain SSMs.

6 2. “Environments” means complete copies of Oracle’s PeopleSoft, J.D. Edwards
7 World, J.D. Edwards EnterpriseOne, and/or Siebel applications installed on Defendants’
8 computer systems. Environments include copies that were modified by Defendants such as
9 through the application of Software and Support Materials.

10 3. “Instant Messages” or “IMs” means a text-based communication that is not e-mail,
11 but that is between two or more people using an instant messenger client such as Yahoo!
12 Messenger.

13 4. “Oracle’s Websites” means Oracle password-protected websites that are used for
14 the purpose of permitting licensed Oracle customers (or their agents) with active support
15 agreements to access and download Software and Support Materials related to their licensed
16 products.

17 5. “Product Family” or “Product Families” refers to and includes any of the
18 following brands of Oracle software and support materials, to the extent copies of portions of the
19 Oracle Software and Support Materials were located on the Images: (a) PeopleSoft software,
20 comprising PeopleSoft Customer Relationship Management (“CRM”), PeopleSoft Enterprise
21 Performance Management (“EPM”), PeopleSoft Financials (“FIN”) (otherwise known as Supply
22 Chain Management (“SCM”), Financials, Distribution, and Manufacturing (“FDM”), or
23 Financials and Supply Chain Management (“FSCM”)), PeopleSoft Human Resources
24 Management Software (“HRMS”) (otherwise known as Human Capital Management (“HCM”)),
25 PeopleSoft Student Administrations (“SA”) (otherwise known as Campus Solutions), and
26 PeopleTools; (b) J.D. Edwards World, and J.D. Edwards EnterpriseOne software (otherwise
27 known as OneWorld); (c) Siebel software; and (d) Oracle Relational Database Management
28 System software.

1 6. “SSMs” or “Software and Support Materials” means program updates, software
2 updates, bug fixes, patches, custom solutions, and/or instructional materials, created or owned by
3 Oracle, or derived from, copied from, or based on any such materials, including by Defendants,
4 for any of Oracle’s Product Families.

5 **II. CUSTODIAL SSMS**

6 7. Each Custodial SSM was either:

- 7 a. Downloaded by TN directly from Oracle’s Websites;
- 8 b. A copy of an SSM downloaded by TN directly from Oracle’s Websites;
- 9 c. A copy of an SSM from one of the PeopleSoft, J.D. Edwards, or Siebel
10 Environments on TN’s systems; or
- 11 d. Obtained from one of TN’s customers.

12 8. The Custodial SSMS span many of the modules and versions of the PeopleSoft,
13 J.D. Edwards, and Siebel products at issue in Oracle’s Complaint.

14 9. Each Custodial SSM was maintained on TN’s systems as part of TN’s service
15 offering, which involved recruiting customers away from Oracle and providing support services
16 to those customers in competition with Oracle.

17 10. For the vast majority of Custodial SSMS that were downloaded from Customer
18 Connection or SupportWeb:

- 19 a. Defendants are currently not aware which customer’s credential was used
20 to download the Custodial SSM;
- 21 b. TN likely provided copies of some of the Custodial SSMS to customers
22 other than the customer whose credentials were used to download the
23 Custodial SSM; and
- 24 c. TN likely used some of the Custodial SSMS to support customers other
25 than the customer whose credentials were used to download the Custodial
26 SSM.

27 11. For the vast majority of Custodial SSMS that were a copy of a SSM from one of
28 the complete or partial local Environments on TN’s systems:

- 1 a. Defendants are currently not aware which customer, if any, provided the
2 software used to create the complete or partial local Environment from
3 which the Custodial SSMs were copied;
- 4 b. TN likely delivered some copies of the Custodial SSMs to customers other
5 than the customer, if any, who provided the software used to create the
6 local Environment from which the Custodial SSMs were copied; and
- 7 c. TN likely used some Custodial SSMs to support customers other than the
8 customer, if any, who provided the software used to create the local
9 Environment from with the Custodial SSMs were copied.

10 12. Most Custodians had multiple copies of SSMs on their machine(s); however,
11 approximately 90% of the Custodial SSMs were located on the Images of only 15 former TN
12 employees.

13 **III. INSTANT MESSAGES**

14 13. Attached as Exhibit A is a true and correct list of the former TN employees that
15 used a personal IM client and for whom IMs were stored on the employees' computer as
16 identified in TN's March 15, 2010 production. The IM screen names for those former TN
17 employees are also included in Exhibit A.

18 14. Defendants waive the right to call as a live witness during trial any custodians who
19 had an IM or a custodial SSM that was produced on March 15, 2010 with the exception of: (a)
20 John Baugh, Michael Garafola, Bob Geib, Catherine Hyde, Mark Kreutz, Peggy Lanford, Robert
21 Ludlum, Andrew Nelson, Shelley Nelson, Eric Osterloh, Roderic Russell, Keith Shankle, William
22 Thomas, and Kathy Williams; provided, however, that Defendants shall not introduce testimony
23 relating to the late-produced materials of any of these witnesses unless Defendants have produced
24 that witness for a deposition in San Francisco, and shall not introduce argument related to the
25 late-produced materials of any of these witnesses unless Defendants have produced that witness
26 for a deposition in San Francisco, except for argument to dispute the meaning or legal effect of
27 late-produced materials introduced into evidence by Oracle; and (b) any other witnesses that
28 Defendants produce in San Francisco for a maximum four hour deposition prior to trial related to

1 the late production. Defendants specifically reserve the right to: (i) use at trial any prior
2 deposition testimony taken in this case; and (ii) question during deposition or live at trial any
3 witness that falls in either exception (a) or (b) above.

4 15. Defendants will make available at trial any custodian Oracle wishes to call
5 regarding any IM or late-produced SSM that was in the possession of or authored by that
6 custodian and produced on March 15, 2010, provided that custodian is still within Defendants'
7 control and Oracle provides reasonable advance notice related to calling that custodian at trial.

8 16. The Instant Messages produced on March 15, 2010 establish at least the following
9 facts:

- 10 a. Several TN employees regularly used IM and/or oral communication to
11 discuss what Oracle contends are improper practices, and several of those
12 employees likely believed that such communication was not being
13 permanently recorded or otherwise documented in any way.
- 14 b. A TN employee appears to have installed on his systems the following
15 versions of Oracle's J.D. Edwards EnterpriseOne software: Xe, 8.0, 8.10,
16 8.11, and 8.12 and made them available to TN employees. TN downloaded
17 many of the SSMs available on Oracle's Websites for these versions of
18 J.D. Edwards EnterpriseOne. TN used the XE J.D. Edwards EnterpriseOne
19 Environments to service customers which may have helped recruit
20 customers away from Oracle. In some instances, TN may have
21 downloaded more SSMs than certain of its customers indicated they (the
22 customers) were licensed to when downloading J.D. Edwards SSMs from
23 Oracle's Websites.
- 24 c. On numerous occasions, TN employees used credentials obtained from one
25 customer to access Oracle's Websites for purposes unrelated to supporting
26 only that customer. Instead, the credentials were used in a generic way for
27 research, training, troubleshooting for other customers, and fix
28 development.

- 1 d. On numerous occasions, TN employees regularly accessed and/or copied
2 portions of J.D. Edwards Environments created from software obtained by
3 customers Koontz-Wagner and Praxair for purposes unrelated to
4 supporting Koontz-Wagner and Praxair. On those occasions, TN
5 employees did so as a routine part of conducting their business of
6 providing support to some other J.D. Edwards customers that were on the
7 same products and releases as Koontz-Wagner and Praxair.
- 8 e. For some local environments, TN installed local modules beyond those
9 which the customer who had provided the software had represented it was
10 licensed. For those local environments, TN installed all available modules
11 within that Oracle product family, regardless of whether the customer was
12 licensed to the modules or not.
- 13 f. On several occasions, some TN employees downloaded from Oracle's
14 Websites using credentials from customers whom those TN employees
15 knew were no longer paying maintenance fees to Oracle, as long as the
16 credential's access had not yet been blocked.
- 17 g. A TN employee insinuated that TN had a "don't ask, don't tell" policy with
18 respect to copying and using Oracle's intellectual property.
- 19 h. Some TN employees were not surprised by Oracle's filing of this lawsuit
20 and implied that TN had in some way been caught by Oracle.

21 **IV. REMEDIES**

22 17. In future testimony in this matter (at trial or in a declaration), any of Oracle's
23 experts may refer to or rely on: (a) the Custodial SSMs or IMs and/or (b) the testimony of another
24 Oracle expert about the Custodial SSMs or IMs. None of Oracle's experts shall be made
25 available for further deposition related to the Custodial SSMs or IMs, and no Defendant expert
26 shall be permitted to issue a report, supplement an existing report, or provide testimony related to
27 any Custodial SSM or IM except to explain or rebut any of the Custodial SSMs or IMs that
28 Oracle introduces at trial.

1 18. Subject to the Court's approval, the jury shall be instructed as follows:

2 Interpretation of Instant Messages: Defendants did not produce in a timely fashion
3 certain relevant instant messages (IMs) involving TN employees. As a
4 result, Plaintiffs were unable to fully investigate and use the late-produced IMs
5 during preparations for this trial. Therefore, if any of these IMs are introduced
6 into evidence during trial, and if there is any dispute about their meaning,
7 you should interpret them consistent with what you find to be any reasonable
8 interpretation presented by Plaintiffs.

9 19. All of the IMs produced on March 15, 2010 are authentic and admissible at trial by
10 Oracle for any purpose.

11 20. Defendants will not and may not offer into evidence any of the Custodial SSMs or
12 IMs produced on March 15, 2010, except to explain, rebut, or otherwise place into context any of
13 the Custodial SSMs or IMs that Oracle introduces at trial, and any such evidence offered by
14 Defendants shall be limited to the same, or other portions of the same, Custodial SSMs or IMs
15 introduced by Oracle at trial.

16 21. Exhibit A shall be admissible at trial as an accurate reflection of the screen names
17 corresponding to certain of TN's current or former employees.

18 22. Defendants shall not offer any evidence or argument, at trial or as part of any other
19 proceeding or motion in this litigation, for the purpose of rebutting any fact in this Stipulation.

20 23. Plaintiffs shall not file a motion or seek relief pursuant to Rule 37 relating to
21 Defendants' late-production (as referred to in the September 9, 2010 Joint Statement ((D.I. 826))
22 with Magistrate Judge Laporte or Judge Hamilton..

23 **V. APPLICABILITY**

24 1. The Parties reach this stipulation for purposes of this action only, and this stipulation
25 has no force or effect in any other proceeding or jurisdiction.

26
27 **IT IS SO STIPULATED.**
28

1 Dated: September 28, 2010

BINGHAM McCUTCHEN LLP

2
3 By: /s/ Geoffrey M. Howard
4 Geoffrey M. Howard
5 Attorneys for Plaintiffs
6 Oracle USA, Inc., Oracle International
7 Corporation, and Siebel Systems, Inc.

8
9 In accordance with General Order No. 45, Rule X, the above signatory attests that
10 concurrence in the filing of this document has been obtained from the signatory below.

11 Dated: September 28, 2010

JONES DAY

12 By: /s/ Scott W. Cowan
13 Scott W. Cowan
14 Attorneys for Defendants
15 SAP AG, SAP America, Inc. and
16 TomorrowNow, Inc.

17
18 **IT IS SO ORDERED.**

19 Dated: September ____, 2010

20
21
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Phyllis J. Hamilton
United States District Judge

Exhibit A

Exhibit A

IM Screennames

IM Screenname	Last Name (TN employee)	First Name
aaron.phillips	Phillips	Aaron
ac_mcmillan	McMillan	Adrienne
acefola	Cefola	Anthony
adidasrta	Alex	Robin
aggie_nv aggie_nv@@imm(aggie_nv)	Vuong	Nhat
akrenek09	Krenek	Amanda
albertvanwissen	Van Wissen	Albert
alex_baumann_jde	Baumann	Alex
alex_la_mar_tn	La Mar	Alexander
alicezsmiff	Smith	Alice
anke_mogannam	Mogannam	Anke
anthonyonpc	Johnson	Anthony
aphillips	Phillips	Aaron
arthurpenn	Pennington	Arthur
ashis5228 ashis5228@@imm(ashis5228)	Ghosh	Ashis
batistatn	O'Brien	Adriana
bdigeron	DiGeronimo	Brent
beardly2000	Beard	Lynn
bert_oltmans bert_oltmans@@imm(bert_oltmans) bert_oltmans@hotmail.com@@imm	Oltmans	Bert
bethjedlester	Lester	Beth
bijesh_lamsal	Lamsal	Bijesh
bill.thomas9@cox.net@@imm	Thomas	Bill
bjohnstone07	Johnstone	Robert
bjrapavy	Rapavy	Barry
bob_geib_tomorrownow	Geib	Robert
bob_ludlam_tomorrownow	Ludlam	Robert
brenda_clark14	Clark	Brenda
brodellis	Ellis	Broderick
cacapagotto	Pagotto	Carlos
canine_communication	Zwart	Hendrik
catherine_schalk	Schalk	Catherine
cgalzote924	Galzote	Chris
chaundra_ayers	Ayers	Chaundra
chrisjackson_ps	Jackson	Chris
clewtnow	Lew	Cindy
clint_auer	Auer	Clint
cobolhugger matthew_bwdn	Bowden	Matthew
colacrazyOI [colacrazy01]	Wheeler	Mandy
ctkur	Kur	Charles
cweaver_tn	Weaver	Calvin
cynthia_teo2	Teo	Siew Choo (Cynthia)
d.swartwood david_swartwood	Swartwood	David
dan_parson	Parson	Daniel
danieljaytn	Jay	Daniel
danthone2002	Anthone	Daniel
dave_palmer_jde	Palmer	David
dave_wilson1293	Wilson	David
david_swartwood	Swartwood	david
dbaron44 dbaron44	Baron	Douglas

Exhibit A

IM Screennames

IM Screenname	Last Name (TN employee)	First Name
dbing611	Bing	Darlene
debgjordan	Jordan	Deborah
diana_tmnow	Yip	Yuen Yue (Diana)
dickwilliams1000	Williams	Dick
dimitri_spideygarcia	Garcia	Dimitri
dndes2002	Harris	Desmond
donna_walker_tomorrownow	Walker	Donna
doublej2001	Johnson	Justin
drleipold	Leipold	Dana
duncan_kell	Cefola	Anthony
ed_tnow ed_tnow@@imm(ed_tnow)	Tong	Edward
edw429	Harris	Edward
egary1965	Gary	Ethe'Ann
eggman371	Phillips	Aaron
eric_osterloh	Osterloh	Eric
eyavar	Yavar	Eskander
fcambolor@usa.net@@@lcsid fercambolor fercambolor@@imm(fercambolor) fercambolor@@lcsid(fercambolor) rcambolor	Cambolor	Fernando
fiarra1 ibarra1	Ibarra	Federico
florence1_tn	Leong	Sook Fun (Florence)
gabriel_99_77515	Hernandez	Luis (Gabriel)
garafolasebl	Garafola	Michael
glesteriv	Lester	George
gordon_a_robinson	Robinson	Gordon
gphilip_tnow	Phillip	George
grbichj	Grbich	Jennifer
guy.gowen@sbcglobal.net	Gowen	Guy
hadi_arakib	Arakib	Hadi
hans_jin	Jin	Ziyu (Jerry)
harry_miller_tnow	Miller	Harry
harry_schoennagel	Schoennagel	Harry
hchris2007@yahoo.com.sg	Ho	Ying Peng (Christine)
hcole182	Cole	Heather
ibarra1	Ibarra	Federico
janejohnson_tn	Johnson	Jane
janescaparro	Scaparro	Jane
jaslingg	Ng	Mui Hwa (Jaslin)
jbaugh_tnow john_baugh2002	Baugh	John
jbuehrle1	Buehrle	Jeff
jeanne_irvin	Irvin	Jeanne
jerry.jin	Jin	Jerry
jewell4664	Geiger	Carol
jfsjrsailing	Sullivan	John
jhfeldman1951	Feldman	John
jcarr2000	Carr	James
jim_egger_tn	Egger	Jim
jkbamber	Bamber	Jason

Exhibit A

IM Screennames

IM Screenname	Last Name (TN employee)	First Name
jkozel@prodigy.net sjuhawk_co	Kozel	John
jlee7526	Lee	Kieng Woo (Joseph)
jltSiebel	Tanner	John
johntanner3	Tanner	John
joonliangwong	Wong	Joon Liang
joowah_low	Low	Joo Wah
jritchie777@msn.com@@lcsid	Ritchie	John
jstomorrownow	Jennifer	Spencer
jtuntomnow	Tunney	John
julie_le_tomorrownow	Le	Julie
julio_c_guzman julio_c_guzman@@imm(julio_c_guzman) julio_c_guzman@@lcsid(julio_c_guzman)	Guzman	Julio
jverretta	Veretta	Jeffrey
keith_shankle	Shankle	Keith
kgray925	Gray	Kimberly
kimberley2229	Martinez	Kimberley
kirkjc	Chan	Kirk
kirstybrowny	Brown	Kirsty
kl5992037cars kl5992037cars@@imm(kl5992037cars)	Larsen	Keith
klui_2005	Lui	Kok Ming
kn5660391	Nakamura	Kenji
kpeden kpedn	Williams	Krista
kristin32532	Paige	Kristin
krthandavan	Thandavan	Kollengode Ramakrisnan (KR)
ladyonthego02	Plain	Faye (Elouise)
laichoonng	Ng	Lai Choon
larryhgarcia	Garcia	Hilario (Larry)
lesley_loftus	Loftus	Lesley
letsgo2thegogo(petsur) petetomorrownow petsur petsur@@imm(petsur)	Surette	Peter
lindabird08	Birdwell	Linda
liz_psft	Simeonidis	Elizabeth
llsweetman	Sweetman	Laura
lon_fiala	Fiala	Lon
lonestarstrat	Nelson	Greg
lyw9991	Widjaja	Lili
magnusds	DeLing	Mark
mamaupgrd	Williams	Katherine
manetha_hall	Hall	Manetha
margot_goff	Goff	Margot
mario_ramia_tn	Ramia	Mario
mark_ardekani	Ardekani	Mark
mark_kreutz_tn	Kreutz	Mark
marty_murphytomorrownow	Murphy III	Martin
matthew_bwdn	Bowden	Matthew

Exhibit A

IM Screennames

IM Screenname	Last Name (TN employee)	First Name
mddeling@hotmail.com@@imm	DeLing	Mark
mdominguez07	Garcia (formerly Dominguez)	Melissa
mel_gadd	Gadd	Melvin (Mel)
mhosalli	Hosalli	Manjula
mike_bentley_tnow mike_d_bentley mikebentley	Bentley	Michael
mike_soumokil	Soumokil	Mike
mimioltmans bert_oltmans bert_oltmans@@imm(bert_oltmans) bert_oltmans@hotmail.com@@imm	Oltmans	Bert
mimislater	Slater	Michelle
mjahrsdoerfer	Jahrsdoerfer	Michael
mkatvm, mkatvm3	Myrick	Barbara
morgan_messick	Messick	Morgan
mtrolan	Trolan	Matthew
muvvalac	Muvvala	Chandra
n.lanford@sbcglobal.net pwlanford(pwlanford@sbcglobal.net) pwlanford@sbcglobal.net pwlanford@sbcglobal(pwlanford@sbcglobal.net)	Lanford	Peggy
natasha_dtnow	Dalton	Natasha
nick_rawls2005	Rawls	Nick
nicole_wolfgram	Wolfgram	Nicole
nigel_pullan	Pullan	Nigel
ofo owenoneilnow owenoneilnow(ofo) ofohome	O'Neil	Owen
oldestpet	Petter	Dale
orlando_de_souza orlando_de_souza@yahoo.com.sg	DeSouza	Orlando Lancelot
pasquale_andreano_jde pasquale_andreano_jde@@imm(pasquale_andreano_jde) pqlrx	Andreano	Pasquale
patti_vonfeldt	VonFeldt	Pattison (Patti)
paul_auger_tn	Auger	Paul
paul_henville	Henville	Paul
paul_ijs_jde	Ijs	Paul
paul_ijsde	Ijs	Paul
paula_murphykeif	Murphy-Keif	Paula
petetomorrownow petsur petsur@@imm(petsur)	Surette	Peter
pinnamaraju	Pinnamaraju	Leela (Prasad)
pmurphykeif	Murphy-Keif	Paula
pqlrx	Andreano	Pasquale
pwlanford(pwlanford@sbcglobal.net) pwlanford@sbcglobal.net pwlanford@sbcglobal(pwlanford@sbcglobal.net)	Lanford	Peggy
ray_iallonardo	Ialtonardo	Raymond
rayttnow	Thompson	Raymond

Exhibit A

IM Screennames

IM Screenname	Last Name (TN employee)	First Name
rcamblor	Camblor	Fernando
rick_frank	Frank	Richard
rkwolf0211	Wolf	Keith
rob_sier	Sier	Rob
rob_van_reenen	Van Reenen	Rob
robert_guichon	Guichon	Robert
roberto_porfirio	Porfirio	Roberto
robertwg88	Glue	Robert
roderic_russell	Russell	Roderic
rothwell_clive	Rothwell	Clive
rubenlaguna	Laguna (Guerrero)	Ruben
saralu12006	Lu (Lue?)	Sara
say_hi_2_us	Chua	Eugene
scott_mcgrath2001	McGrath	Scott
send2cat	Hyde	Catherine
sfboatright	Boatright	Susan
shaun_psuk	Brooke	Shaun
shelleyb53	Blackmarr	Shelley
shortfatblonde	Piper	Sharon
sjuhawk_co	Kozel	John
siddaniel	Aliwarga	Sidarta
stevencmills	Mills	Steve
sudarshand	Desai	Sudarshan
sunilgandra	Gandra	Sunil Kumar
sylviane_provostcampbell2003	Provost-Campbell	Sylviane
tabbrown0512	Brown	Thurman (Tab)
tch_001 tch_001(timharper_01) timharper_01 timharper_01(tch_001) timharper_01@@imm(tch_001)	Harper	Timothy
tdunfee98	Dunfee	Todd
timharper_01	Harper	Timothy
tleier5	Leier	Thomas
tn_dale_wade	Wade	Dale
tn_spencer_phillips	Phillips	James "Spencer"
tngeek guy.gowen@sbcglobal.net	Gowen	Guy
tnow_bstephens	Stephens	Robert
TNowCoder	Testone	Josh
tnow_murray	Murray	Todd
tnowludlow	Ludlow	John
tnowphillips	Phillips	Thomas
tnwifetex	Nelson	Shelley
tommy_dle	Le	Tommy
tracyearll	Earll	Tracy
trusharpatel2002	Patel	Trushar
umhb_josh	Testone	Josh
umhb_kendra	Burns	Kendra
uwe_lueck	Luck	Uwe
vanessa_shiels	Shiels	Vanessa
vicky_damelio	D'Amelio	Vicky
wcwalden	Walden	Wade
wendi_wolfgram	Wolfgram	Wendi

Exhibit A**IM Screennames**

IM Screenname	Last Name (TN employee)	First Name
wheeler0117@sbcglobal.net	Wheeler	Mandy
wndkjns	Jones	Wanda
wongsiewhee	Wong	Siew Hee
xxpgold		
xxpgold@@imm(xxpgold)	Goldsworthy	Peter
yespiriqueta	Espiriqueta	Yolanda
yolimartinez1969@sbcglobal.net	Espiriqueta	Yolanda
yvonne_979	Puente	Yvonne