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

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

24 Plaintiffs,

25 v.

26 SAP AG, *et al.*,

27 Defendants.

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Attorneys for Defendants  
SAP AG, SAP America, Inc., and  
TomorrowNow, Inc.

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

**JOINT REVISED JUROR  
QUESTIONNAIRE**

1 Pursuant to the Court's Pretrial Instructions, Final Pretrial Order (ECF No. 914), and  
2 guidance at the September 30, 2010 pretrial conference, Plaintiffs Oracle USA, Inc., Oracle  
3 International Corporation, and Siebel Systems, Inc. (collectively, "Oracle") and Defendants SAP  
4 AG, SAP America, Inc., and TomorrowNow, Inc. (collectively, "Defendants," and with Oracle,  
5 the "Parties") submit their Joint Revised Juror Questionnaire attached as Exhibit A.  
6

7 DATED: October 21, 2010

Bingham McCutchen LLP

8  
9 By: /s/ Zachary J. Alinder  
10 Zachary J. Alinder  
11 Attorneys for Plaintiffs  
Oracle USA, Inc., Oracle International  
Corporation, and Siebel Systems, Inc.

12 In accordance with General Order No. 45, Rule X, the above signatory attests that  
13 concurrence in the filing of this document has been obtained from the signatory below.  
14

15 DATED: October 21, 2010

JONES DAY

16 By: /s/ Tharan Gregory Lanier  
17 Tharan Gregory Lanier  
18 Attorneys for Defendants  
SAP AG, SAP America, Inc.,  
19 and TomorrowNow, Inc.  
20  
21  
22  
23  
24  
25  
26  
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28

**EXHIBIT A**

**JUROR QUESTIONNAIRE**

Full Name: \_\_\_\_\_  
(First) (Middle) (Last)

1. What is your age \_\_\_\_\_ and place of birth? \_\_\_\_\_

2. What is your marital status?

\_\_\_ single \_\_\_ married \_\_\_ separated \_\_\_ divorced \_\_\_ widowed

3. What is you current city of residence? \_\_\_\_\_  
How long have you lived in that city? \_\_\_\_\_

4. If you have lived at your current residence for fewer than five years, where did you live before:

\_\_\_\_\_

5. If you live with any other adults, please list them, and identify their relationship to you and their occupation/employer:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Knowledge Specific to this Case**

6. Have you heard of any of the companies involved in this case, any of the companies acquired by the companies in this case, or any of the current or former executives for these companies?

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

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

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7. 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>
<b>Oracle International Corp.</b>	_____	_____
<b>Oracle USA, Inc.</b>	_____	_____
<b>Siebel Systems, Inc.</b>	_____	_____
<b>J.D. Edwards</b>	_____	_____
<b>PeopleSoft</b>	_____	_____
<b>TomorrowNow, Inc.</b>	_____	_____
<b>SAP America, Inc.</b>	_____	_____
<b>SAP AG</b>	_____	_____
<b>Acquired company (write in):</b> _____	_____	_____

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

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

\_\_\_ Yes \_\_\_ No

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

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9. 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
Zachary Alinder	___ Yes ___ No
Fred Norton	___ Yes ___ No
Dorian Daley	___ Yes ___ No
Jennifer Gloss	___ Yes ___ No
Robert A. Mittelstaedt	___ Yes ___ No

Jason McDonell	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Elaine Wallace	<input type="checkbox"/> Yes	<input type="checkbox"/> 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

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

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10. 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):

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11. Attached as Appendix 1 is a list of persons who are potential witnesses in this case. If you know, or think you may know, any of the persons listed, please circle their names.

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

12. Have you heard, read, or seen anything in the press or media about this lawsuit or any lawsuit that is similar?

Yes  No

If so, what have you heard, read, or seen? \_\_\_\_\_

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Please state any opinions you have formed about this lawsuit based on what you have heard, read, or seen? \_\_\_\_\_

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**Employment and Education**

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

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

14. What type of work do you do and who is your employer (or, if you are not currently working, what type of work did you do at your most-recent employer)?

\_\_\_\_\_

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

\_\_\_\_\_

16. If you have worked for your current employer for less than five years, describe your previous employment.

\_\_\_\_\_

\_\_\_\_\_

17. Have you studied, traveled, served in the military or worked abroad (*i.e.*, outside the United States)? If yes, where and when:

\_\_\_\_\_

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

If yes, please describe your level of fluency. \_\_\_\_\_

19. What is the highest level of education you have completed? \_\_\_\_\_  
Please list colleges or vocational schools attended and specify major areas of study: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

20. What is the highest level of education your spouse, partner, or significant other has completed and what is his or her occupation, if any?

\_\_\_\_\_

21. If you have children, please list their ages and gender and, if they are employed, please give their occupation/employer.

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22. 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: \_\_\_\_\_

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**Technical Knowledge and Opinion**

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

Very  Somewhat  Not very  Not at all

If you have knowledge, please explain: \_\_\_\_\_

24. Have you ever worked for a “high tech” company?  Yes  No

If yes, which company(ies) What did you do there: \_\_\_\_\_

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25. Do you have any strong feelings about any computer software companies?  Yes  No

If yes, which companies? Please explain.

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26. 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 specify who and 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			

27. 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 identify who and explain: \_\_\_\_\_

**Business and Intellectual Property Experience**

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

Yes  No

If yes, please explain: \_\_\_\_\_

Was the business successful?  Yes  No  Not sure

29. 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

30. 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: \_\_\_\_\_  
\_\_\_\_\_

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

Yes  No

If yes: Who? What was it for (general description)? Was the application granted?  
\_\_\_\_\_  
\_\_\_\_\_

32. Have you ever believed or had the experience that someone else has used your intellectual property or work product (or that of someone close to you) inappropriately?

Yes  No

If so, what happened? Explain the circumstances and what you did about the situation, if anything. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Legal Experience and Opinions**

33. If you have served on a jury before:

How many times? \_\_\_\_\_

What type of case(s) \_\_\_\_\_

In what court? (State/County or Federal) \_\_\_\_\_

Did you ever serve as a jury foreperson? \_\_\_ Yes \_\_\_ No

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

34. Have you, a family member, or close friend ever been involved in a lawsuit (either filed a lawsuit, been sued, been a witness in a civil or criminal case, or given deposition testimony)?

\_\_\_ Yes \_\_\_ No

If yes, please note who and explain the circumstances (including whether the outcome was satisfactory):

\_\_\_\_\_

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

\_\_\_\_\_ Too high \_\_\_\_\_ About right \_\_\_\_\_ Too low \_\_\_\_\_ No opinion

**Memberships and Associations**

36. 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)?

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

**Sources of News and Use of Technology**

38. Do you follow the news on a regular basis? \_\_\_ Yes \_\_\_ No

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

\_\_\_\_\_

40. Do you: CHECK ALL THAT APPLY:

	Yes	No	If yes, how often
Use a computer at work	_____	_____	_____
Use a computer at home	_____	_____	_____
Use the internet to find information	_____	_____	_____
Use the internet to download	_____	_____	_____
Troubleshoot or repair computers	_____	_____	_____
Feel comfortable using a computer	_____	_____	_____
Feel comfortable with computer terminology	_____	_____	_____

**Service on this Jury Panel**

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. 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.)

\_\_\_\_\_  
\_\_\_\_\_

44. 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?

\_\_\_\_\_ Yes \_\_\_\_\_ No

45. 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.

**Appendix 1**

## WITNESS LIST

1. Norm Ackermann
2. Shai Agassi
3. Richard Allison
4. Mark Anderson
5. Leo Apotheker
6. John Baugh
7. Werner Brandt
8. Stephen Brazile
9. Martin Breuer
10. Safra Catz
11. Stephen Clarke
12. Paul Cooley
13. Richard Cummins
14. Lawrence Ellison
15. Christopher Faye
16. Gary Funck
17. Michael Garafola
18. David Garmus
19. Bob Geib
20. Stephen Gray
21. Tracy Hallenberger
22. Robyn Harrel
23. Terry Hurst
24. Catherine Hyde
25. Daniel Jerome
26. Juan Jones
27. Henning Kagermann
28. Douglas Kehring
29. Uwe Koehler
30. John Kreul
31. Mark Kreutz
32. Beth Lester
33. George Lester
34. Daniel Levy
35. Robert Ludlam
36. Kevin Mandia
37. Bill McDermott
38. Paul Meyer
39. Andrew Nelson
40. Gregory Nelson
41. Shelley Nelson
42. Jeffrey O'Donnell
43. Owen O'Neil
44. Eric Osterloh
45. Gerhard Oswald
46. Charles Phillips
47. Spencer Phillips
48. Paul Pinto
49. Hasso Plattner
50. Buffy Ransom
51. Seth Ravin
52. Donald Reifer
53. Dan Restmeyer
54. John Ritchie
55. Juergen Rottler
56. Josef Schmidt
57. Edward Screven
58. Elizabeth Shippy
59. Judith Sim
60. Bruno Singh
61. Brian Sommer
62. Bruce Spencer
63. Peter Surette
64. Scott Trainor
65. Stephen Tseng
66. Marlene Veum
67. Robert Wasson
68. Bernd Welz
69. Mark White
70. Kathy Williams
71. Krista Williams
72. John Zepecki
73. Thomas Ziemen