

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CIVIL MINUTES

Date: November 15, 2010 (Time: 4 hour 45 minutes)

JUDGE: Phyllis J. Hamilton

Case No: C-07-1658 PJH

Case Name: Oracle Corporation, et al. v. SAP AG, et al.

**Attorney(s) for Plaintiff: Geoffrey Howard; Donn Pickett; Zachary Alinder;
Steven Holtzman; Holly House; David Boies**

**Attorney(s) for Defendant: Tharan Gregory Lanier; Jacqueline Lee;
Robert Mittelstaedt**

Deputy Clerk: Nichole Heuerman

**Court Reporter: Raynee Mercado and
Diane Skillman**

PROCEEDINGS

Jury Trial (day 7)-Held. See attached exhibit and witness list.

CASE CONTINUED TO: November 16, 2010 at 8:30 a.m. for Jury Trial (day 8).

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Case No: C-07-1658 PJHCase Name: Oracle USA, et al. v. SAP AG, et al.

EXHIBIT and WITNESS LIST

JUDGE Phyllis J. Hamilton	PLAINTIFF ATTORNEY: Geoffrey Howard; Donn Pickett; Zachary Alinder; Steven Holtzman; Holly House; David Boies	DEFENSE ATTORNEY: Tharan Gregory Lanier; Jacqueline Lee; Robert Mittelstaedt
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JURY SELECTION: 11/1/10
TRIAL DATE:

REPORTER(S):
Raynee Mercado and Diane
Skillman

CLERK:
Nichole Heuerman

PLF NO.	DEF NO.	DATE/TIME OFFERED	ID	EVI. REC	DESCRIPTION	BY
					<u>Monday November 15, 2010</u>	
		<u>8:17 a.m.</u>			<u>the court is back in session; the court hears argument regarding remaining objections to deposition testimony; defendants' request to file a motion re: at risk report is granted. The motion shall be filed immediately and any response shall be filed by tomorrow 11/16/10</u>	
		<u>8:40 a.m.</u>			<u>the jury is now present; continued video deposition of Mr. Kagermann</u>	
		<u>8:47 a.m.</u>			<u>plaintiffs' read 3 instant messages into the record which are marked as plaintiffs' exhibits 49, 55 and 53; 53 already marked and admitted into evidence</u>	
<u>49</u>		<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 49</u>	
<u>55</u>		<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 55</u>	
		<u>8:53 a.m.</u>			<u>the plaintiffs' rest</u>	
		<u>8:54 a.m.</u>			<u>the court reads stipulated facts to the jury</u>	
		<u>8:58 a.m.</u>			<u>defendants' call first witness Juan Jones by video deposition</u>	
					<u>defendants' exhibits A-367, A-371, A-372, A-373, A-374 already marked and admitted into evidence used in conjunction with this witness</u>	
	<u>A-370</u>	<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-370</u>	
		<u>9:45 a.m.</u>			<u>defendants' call second witness Bill McDermott</u>	
		<u>10:09 a.m.</u>			<u>cross examination of Mr. McDermott</u>	
		<u>10:23 a.m.</u>			<u>the court takes a break</u>	

		<u>10:42 a.m.</u>			<u>the court is back in session; continued cross examination of Mr. McDermott</u>
					<u>plaintiffs' exhibits 332, 443, 23, 4814 and 171 already marked and admitted and used in conjunction with this witness</u>
<u>117</u>		<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 117</u>
<u>146</u>		<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 146</u>
<u>148</u>		<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 148</u>
<u>185</u>		<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 185</u>
<u>197</u>		<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 197</u>
<u>227</u>		<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 227</u>
<u>231</u>		<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 231</u>
<u>333</u>		<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 333</u>
<u>462</u>		<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 462</u>
<u>671</u>		<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 671</u>
<u>1236</u>		<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 1236</u>
<u>1662</u>		<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 1662</u>
<u>4836</u>		<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 4836</u>
<u>4850</u>		<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 4850</u>
	<u>A-4024</u>	<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-230</u>
	<u>A-148</u>	<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-596</u>
		<u>11:09 a.m.</u>			<u>re-direct examination of Mr. McDermott</u>
		<u>11:10 a.m.</u>			<u>re-cross examination of Mr. McDermott</u>
		<u>11:14 a.m.</u>			<u>re-direct examination of Mr. McDermott</u>
		<u>11:15 a.m.</u>			<u>Mr. McDermott is excused</u>
		<u>11:16 a.m.</u>			<u>defendants' call third witness Douglas Kehring by video deposition</u>
					<u>defendants' exhibit A-229 already marked and admitted into evidence used in conjunction with this witness</u>
	<u>A-230</u>	<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-230</u>
	<u>A-596</u>	<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-596</u>

		<u>11:24 a.m.</u>			<u>defendants' call fourth witness Richard Cummins by video deposition</u>
					<u>defendants' exhibit A-303 already marked and admitted and used in conjunction with this witness</u>
	<u>A-44</u>	<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-44</u>
	<u>A-45</u>	<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-45</u>
	<u>A-49</u>	<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-49</u>
	<u>A-59</u>	<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-59</u>
	<u>A-63</u>	<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-63</u>
	<u>A-65</u>	<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-65</u>
	<u>A-289</u>	<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-289</u>
	<u>A-290</u>	<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-290</u>
	<u>A-307</u>	<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-307</u>
	<u>A-308</u>	<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-308</u>
	<u>A-331</u>	<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-331</u>
		<u>12:02 p.m.</u>			<u>defendants' call fifth witness Jeffrey O'Donnell by video deposition</u>
	<u>A-647</u>	<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-647</u>
		<u>12:15 p.m.</u>			<u>the court takes a break</u>
		<u>12:32 p.m.</u>			<u>the court is back in session; defendants' call sixth witness Robert Wasson by video deposition</u>
	<u>A-547</u>	<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-547</u>
		<u>1:07 p.m.</u>			<u>defendants' call seventh witness Steven Brazile by video deposition</u>
	<u>A-730</u>		<u>x</u>		<u>defendants' exhibit A-730</u>
		<u>1:24 p.m.</u>			<u>the jury is release for the day</u>
		<u>1:27 p.m.</u>			<u>the court is adjourned for the day</u>