EXHIBIT C
DEFENDANTS’ FOURTH AMENDED RESPONSES TO REQUESTS 496 THROUGH 680 OF PLAINTIFFS’ SECOND SET OF REQUESTS FOR ADMISSION TO DEFENDANTS TOMORROWNOW, INC., SAP AG, AND SAP AMERICA, INC.

CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER
request, especially because the available documents, data and other information from which the answer, if any, could be derived in response to this request have been produced by Defendants in response to Plaintiffs’ other discovery requests and thus any relevant, available information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and qualifications, Defendants respond as follows:

DENIED.

REQUEST FOR ADMISSION NO. 577:

Admit that for the majority of Fixes or Updates listed in Exhibit B, TN identified some set of Customers to whom it would deliver the Fix or Update and determined whether one Fix or Update could be Developed for all such Customers on the release, or whether TN needed to split the Customers on that release into sub-groups (sometimes referred to at TN as “source groups”).

AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 577:

Defendants incorporate by reference, as if fully set forth herein, all of Defendants’ General Objections noted above. Defendants’ response is based solely on Defendant TomorrowNow’s knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant TomorrowNow in this response. Further, Defendants object to the extent that this request is compound, overly broad and unduly burdensome to the extent that it seeks an admission that would be applied to every single component of each fix and update at issue in this request. Moreover, Defendants object to this request on the basis that it is unduly burdensome because Defendants’ burden associated with responding to this request is substantially similar to the burden for Plaintiffs to obtain the information sought through this request, especially because the available documents, data and other information from which the answer, if any, could be derived in response to this request have been produced by Defendants in response to Plaintiffs’ other discovery requests and thus any relevant, available information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and qualifications, Defendants respond as follows:
ADMITTED for at least one component in the majority of the listed fixes or updates.

REQUEST FOR ADMISSION NO. 578:

Admit that for some of the Fixes or Updates listed in Exhibit B, TN identified some set of Customers to whom it would deliver the Fix or Update and determined whether one Fix or Update could be Developed for all such Customers on the release, or whether TN needed to split the Customers on that release into sub-groups (sometimes referred to at TN as “source groups”).

AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 578:

Defendants incorporate by reference, as if fully set forth herein, all of Defendants’ General Objections noted above. Defendants’ response is based solely on Defendant TomorrowNow’s knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant TomorrowNow in this response. Further, Defendants object to the extent that this request is compound, overly broad and unduly burdensome to the extent that it seeks an admission that would be applied to every single component of each fix and update at issue in this request. Moreover, Defendants object to this request on the basis that it is unduly burdensome because Defendants’ burden associated with responding to this request is substantially similar to the burden for Plaintiffs to obtain the information sought through this request, especially because the available documents, data and other information from which the answer, if any, could be derived in response to this request have been produced by Defendants in response to Plaintiffs’ other discovery requests and thus any relevant, available information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and qualifications, Defendants respond as follows:

ADMITTED for at least one component in some of the listed fixes or updates.

REQUEST FOR ADMISSION NO. 579:

Admit that for at least one Fix or Update listed in Exhibit B, TN identified some set of Customers to whom it would deliver the Fix or Update and determined whether one Fix or Update could be Developed for all such Customers on the release, or whether TN needed to split the Customers on that release into sub-groups (sometimes referred to at TN as “source groups”).
AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 579:

Defendants incorporate by reference, as if fully set forth herein, all of Defendants’ General Objections noted above. Defendants’ response is based solely on Defendant TomorrowNow’s knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant TomorrowNow in this response. Further, Defendants object to the extent that this request is compound, overly broad and unduly burdensome to the extent that it seeks an admission that would be applied to every single component of each fix and update at issue in this request. Moreover, Defendants object to this request on the basis that it is unduly burdensome because Defendants’ burden associated with responding to this request is substantially similar to the burden for Plaintiffs to obtain the information sought through this request, especially because the available documents, data and other information from which the answer, if any, could be derived in response to this request have been produced by Defendants in response to Plaintiffs’ other discovery requests and thus any relevant, available information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and qualifications, Defendants respond as follows:

ADMITTED for at least one component in at least one of the listed fixes or updates.

REQUEST FOR ADMISSION NO. 580:

Admit that TN’s process for determining its “source groups” (as the term is used in Requests Nos. 576-579) always involved in part doing a visual comparison of the Customer Local Environments in the group to identify relevant differences in the codeline.

AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 580:

Defendants incorporate by reference, as if fully set forth herein, all of Defendants’ General Objections noted above. Defendants’ response is based solely on Defendant TomorrowNow’s knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant TomorrowNow in this response. Moreover, Defendants object to this request on the basis that it is unduly burdensome because Defendants’ burden
General Objections noted above. Defendants’ response is based solely on Defendant TomorrowNow’s knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant TomorrowNow in this response. Further, Defendants object to the extent that this request is compound, overly broad and unduly burdensome to the extent that it seeks an admission that would be applied to every single component of each fix and update at issue in this request. Moreover, Defendants object to this request on the basis that it is unduly burdensome because Defendants’ burden associated with responding to this request is substantially similar to the burden for Plaintiffs to obtain the information sought through this request, especially because the available documents, data and other information from which the answer, if any, could be derived in response to this request have been produced by Defendants in response to Plaintiffs’ other discovery requests and thus any relevant, available information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and qualifications, Defendants respond as follows:

**DENIED.**

**REQUEST FOR ADMISSION NO. 600:**

Admit that for the majority of Fixes or Updates listed in Exhibit B, where TN determined that any given release did not require a “source group” division (as the term is used in Requests Nos. 576-579), TN used a Local Environment installed from media originally provided by one Customer to Develop the Fix or Update for all Customers on that release.

**AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 600:**

Defendants incorporate by reference, as if fully set forth herein, all of Defendants’ General Objections noted above. Defendants’ response is based solely on Defendant TomorrowNow’s knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant TomorrowNow in this response. Further, Defendants object to the extent that this request is compound, overly broad and unduly burdensome to the extent that it seeks an admission that would be applied to every single component of each fix and update at
issue in this request. Moreover, Defendants object to this request on the basis that it is unduly burdensome because Defendants’ burden associated with responding to this request is substantially similar to the burden for Plaintiffs to obtain the information sought through this request, especially because the available documents, data and other information from which the answer, if any, could be derived in response to this request have been produced by Defendants in response to Plaintiffs’ other discovery requests and thus any relevant, available information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and qualifications, Defendants respond as follows:

ADMITTED for at least one component in the majority of the listed fixes or updates.

REQUEST FOR ADMISSION NO. 601:

Admit that for some Fixes or Updates listed in Exhibit B, where TN determined that any given release did not require a “source group” division (as the term is used in Requests Nos. 576-579), TN used a Local Environment installed from media provided originally by one Customer to Develop the Fix or Update for all Customers on that release.

AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 601:

Defendants incorporate by reference, as if fully set forth herein, all of Defendants’ General Objections noted above. Defendants’ response is based solely on Defendant TomorrowNow’s knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant TomorrowNow in this response. Further, Defendants object to the extent that this request is compound, overly broad and unduly burdensome to the extent that it seeks an admission that would be applied to every single component of each fix and update at issue in this request. Moreover, Defendants object to this request on the basis that it is unduly burdensome because Defendants’ burden associated with responding to this request is substantially similar to the burden for Plaintiffs to obtain the information sought through this request, especially because the available documents, data and other information from which the answer, if any, could be derived in response to this request have been produced by Defendants in response to Plaintiffs’ other discovery requests and thus any relevant, available information is
now as equally accessible to Plaintiffs as it is to Defendants. Subject to and without waiving the
foregoing objections and qualifications, Defendants respond as follows:

ADMITTED for at least one component in some of the listed fixes or updates.

**REQUEST FOR ADMISSION NO. 602:**

Admit that for at least one Fix or Update listed in Exhibit B, where TN determined that
any given release did not require a “source group” division (as the term is used in Requests Nos.
576-579), TN used a Local Environment installed from media originally provided by one
Customer to Develop the Fix or Update for all Customers on that release.

**AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 602:**

Defendants incorporate by reference, as if fully set forth herein, all of Defendants’
General Objections noted above. Defendants’ response is based solely on Defendant
TomorrowNow’s knowledge with respect to the information sought in this request because
Defendants SAP AG and SAP America have no additional knowledge separate and apart from the
information provided by Defendant TomorrowNow in this response. Further, Defendants object
to the extent that this request is compound, overly broad and unduly burdensome to the extent that
it seeks an admission that would be applied to every single component of each fix and update at
issue in this request. Moreover, Defendants object to this request on the basis that it is unduly
burdensome because Defendants’ burden associated with responding to this request is
substantially similar to the burden for Plaintiffs to obtain the information sought through this
request, especially because the available documents, data and other information from which the
answer, if any, could be derived in response to this request have been produced by Defendants in
response to Plaintiffs’ other discovery requests and thus any relevant, available information is
now as equally accessible to Plaintiffs as it is to Defendants. Subject to and without waiving the
foregoing objections and qualifications, Defendants respond as follows:

ADMITTED for at least one component in at least one of the listed fixes or updates.

**REQUEST FOR ADMISSION NO. 603:**

Admit that for each Fix or Update listed in Exhibit B, TN unit tested the Fix Objects
Developed for each “source group” (as the term is used in Requests Nos. 576-579) in the same
Local Environment used to Develop the Fix or Update.

**AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 603:**

Defendants incorporate by reference, as if fully set forth herein, all of Defendants’ General Objections noted above. Defendants’ response is based solely on Defendant TomorrowNow’s knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant TomorrowNow in this response. Further, Defendants object to the extent that this request is compound, overly broad and unduly burdensome to the extent that it seeks an admission that would be applied to every single component of each fix and update at issue in this request. Moreover, Defendants object to this request on the basis that it is unduly burdensome because Defendants’ burden associated with responding to this request is substantially similar to the burden for Plaintiffs to obtain the information sought through this request, especially because the available documents, data and other information from which the answer, if any, could be derived in response to this request have been produced by Defendants in response to Plaintiffs’ other discovery requests and thus any relevant, available information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and qualifications, Defendants respond as follows:

DENIED.

**REQUEST FOR ADMISSION NO. 604:**

Admit that for the majority of Fixes or Updates listed in Exhibit B, TN unit tested the Fix Objects Developed for each “source group” (as the term is used in Requests Nos. 576-579) in the same Local Environment used to Develop the Fix or Update.

**AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 604:**

Defendants incorporate by reference, as if fully set forth herein, all of Defendants’ General Objections noted above. Defendants’ response is based solely on Defendant TomorrowNow’s knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant TomorrowNow in this response. Further, Defendants object
ADMITTED for at least one component in the majority of the listed fixes or updates.

REQUEST FOR ADMISSION NO. 605:

Admit that for some Fixes or Updates listed in Exhibit B, TN unit tested the Fix Objects Developed for each “source group” (as the term is used in Requests Nos. 576-579) in the same Local Environment used to Develop the Fix or Update.

AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 605:

Defendants incorporate by reference, as if fully set forth herein, all of Defendants’ General Objections noted above. Defendants’ response is based solely on Defendant TomorrowNow’s knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant TomorrowNow in this response. Further, Defendants object to the extent that this request is compound, overly broad and unduly burdensome to the extent that it seeks an admission that would be applied to every single component of each fix and update at issue in this request. Moreover, Defendants object to this request on the basis that it is unduly burdensome because Defendants’ burden associated with responding to this request is substantially similar to the burden for Plaintiffs to obtain the information sought through this request, especially because the available documents, data and other information from which the answer, if any, could be derived in response to this request have been produced by Defendants in response to Plaintiffs’ other discovery requests and thus any relevant, available information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and qualifications, Defendants respond as follows:

ADMITTED for at least one component in the majority of the listed fixes or updates.
response to Plaintiffs’ other discovery requests and thus any relevant, available information is
now as equally accessible to Plaintiffs as it is to Defendants. Subject to and without waiving the
foregoing objections and qualifications, Defendants respond as follows:

ADMITTED for at least one component in some of the listed fixes or updates.

REQUEST FOR ADMISSION NO. 606:

Admit that for at least one Fix or Update listed in Exhibit B, TN unit tested the Fix
Objects Developed for each “source group” (as the term is used in Requests Nos. 576-579) in the
same Local Environment used to Develop the Fix or Update.

AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 606:

Defendants incorporate by reference, as if fully set forth herein, all of Defendants’
General Objections noted above. Defendants’ response is based solely on Defendant
TomorrowNow’s knowledge with respect to the information sought in this request because
Defendants SAP AG and SAP America have no additional knowledge separate and apart from the
information provided by Defendant TomorrowNow in this response. Further, Defendants object
to the extent that this request is compound, overly broad and unduly burdensome to the extent that
it seeks an admission that would be applied to every single component of each fix and update at
issue in this request. Moreover, Defendants object to this request on the basis that it is unduly
burdensome because Defendants’ burden associated with responding to this request is
substantially similar to the burden for Plaintiffs to obtain the information sought through this
request, especially because the available documents, data and other information from which the
answer, if any, could be derived in response to this request have been produced by Defendants in
response to Plaintiffs’ other discovery requests and thus any relevant, available information is
now as equally accessible to Plaintiffs as it is to Defendants. Subject to and without waiving the
foregoing objections and qualifications, Defendants respond as follows:

ADMITTED for at least one component in at least one of the listed fixes or updates.

REQUEST FOR ADMISSION NO. 607:

Admit that for each Fix or Update listed in Exhibit B, TN saved the Fix Objects
Developed for each “source group” (as the term is used in Requests Nos. 576-579) to some
central location (typically referred to at TN as the “development staging area” or “staging area”).

**AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 607:**

Defendants incorporate by reference, as if fully set forth herein, all of Defendants’ General Objections noted above. Defendants’ response is based solely on Defendant TomorrowNow’s knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant TomorrowNow in this response. Further, Defendants object to the extent that this request is compound, overly broad and unduly burdensome to the extent that it seeks an admission that would be applied to every single component of each fix and update at issue in this request. Moreover, Defendants object to this request on the basis that it is unduly burdensome because Defendants’ burden associated with responding to this request is substantially similar to the burden for Plaintiffs to obtain the information sought through this request, especially because the available documents, data and other information from which the answer, if any, could be derived in response to this request have been produced by Defendants in response to Plaintiffs’ other discovery requests and thus any relevant, available information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and qualifications, Defendants respond as follows:

**DENIED.**

**REQUEST FOR ADMISSION NO. 608:**

Admit that for the majority of Fixes or Updates listed in Exhibit B, TN saved the Fix Objects Developed for each “source group” (as the term is used in Requests Nos. 576-579) to some central location (typically referred to at TN as the “development staging area” or “staging area”).

**AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 608:**

Defendants incorporate by reference, as if fully set forth herein, all of Defendants’ General Objections noted above. Defendants’ response is based solely on Defendant TomorrowNow’s knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the
information provided by Defendant TomorrowNow in this response. Further, Defendants object to the extent that this request is compound, overly broad and unduly burdensome to the extent that it seeks an admission that would be applied to every single component of each fix and update at issue in this request. Moreover, Defendants object to this request on the basis that it is unduly burdensome because Defendants’ burden associated with responding to this request is substantially similar to the burden for Plaintiffs to obtain the information sought through this request, especially because the available documents, data and other information from which the answer, if any, could be derived in response to this request have been produced by Defendants in response to Plaintiffs’ other discovery requests and thus any relevant, available information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and qualifications, Defendants respond as follows:

ADMITTED for at least one component in the majority of the listed fixes or updates.

REQUEST FOR ADMISSION NO. 609:

Admit that for some Fixes or Updates listed in Exhibit B, TN saved the Fix Objects Developed for each “source group” (as the term is used in Requests Nos. 576-579) to some central location (typically referred to at TN as the “development staging area” or “staging area”).

AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 609:

Defendants incorporate by reference, as if fully set forth herein, all of Defendants’ General Objections noted above. Defendants’ response is based solely on Defendant TomorrowNow’s knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant TomorrowNow in this response. Further, Defendants object to the extent that this request is compound, overly broad and unduly burdensome to the extent that it seeks an admission that would be applied to every single component of each fix and update at issue in this request. Moreover, Defendants object to this request on the basis that it is unduly burdensome because Defendants’ burden associated with responding to this request is substantially similar to the burden for Plaintiffs to obtain the information sought through this request, especially because the available documents, data and other information from which the
answer, if any, could be derived in response to this request have been produced by Defendants in response to Plaintiffs’ other discovery requests and thus any relevant, available information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and qualifications, Defendants respond as follows:

ADMITTED for at least one component in some of the listed fixes or updates.

REQUEST FOR ADMISSION NO. 610:

Admit that for at least one Fix or Update listed in Exhibit B, TN saved the Fix Objects Developed for each “source group” (as the term is used in Requests Nos. 576-579) to some central location (typically referred to at TN as the “development staging area” or “staging area”).

AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 610:

Defendants incorporate by reference, as if fully set forth herein, all of Defendants’ General Objections noted above. Defendants’ response is based solely on Defendant TomorrowNow’s knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant TomorrowNow in this response. Further, Defendants object to the extent that this request is compound, overly broad and unduly burdensome to the extent that it seeks an admission that would be applied to every single component of each fix and update at issue in this request. Moreover, Defendants object to this request on the basis that it is unduly burdensome because Defendants’ burden associated with responding to this request is substantially similar to the burden for Plaintiffs to obtain the information sought through this request, especially because the available documents, data and other information from which the answer, if any, could be derived in response to this request have been produced by Defendants in response to Plaintiffs’ other discovery requests and thus any relevant, available information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and qualifications, Defendants respond as follows:

ADMITTED for at least one component in at least one of the listed fixes or updates.

REQUEST FOR ADMISSION NO. 611:

Admit that for each Fix or Update listed in Exhibit B, TN tested the Fix or Update (in a
process typically known as “individual fix testing” or “QA testing”), including by Copying the
Fix Objects saved in the central development staging area to a Local Environment within the
applicable “source group” (as the term is used in Requests Nos. 576-579), to test the functionality
and stability of the Fix or Update and that it produced the expected results.

AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 611:

Defendants incorporate by reference, as if fully set forth herein, all of Defendants’
General Objections noted above. Defendants’ response is based solely on Defendant
TomorrowNow’s knowledge with respect to the information sought in this request because
Defendants SAP AG and SAP America have no additional knowledge separate and apart from the
information provided by Defendant TomorrowNow in this response. Further, Defendants object
to the extent that this request is compound, overly broad and unduly burdensome to the extent that
it seeks an admission that would be applied to every single component of each fix and update at
issue in this request. Moreover, Defendants object to this request on the basis that it is unduly
burdensome because Defendants’ burden associated with responding to this request is
substantially similar to the burden for Plaintiffs to obtain the information sought through this
request, especially because the available documents, data and other information from which the
answer, if any, could be derived in response to this request have been produced by Defendants in
response to Plaintiffs’ other discovery requests and thus any relevant, available information is
now as equally accessible to Plaintiffs as it is to Defendants. Subject to and without waiving the
foregoing objections and qualifications, Defendants respond as follows:

DENIED.

REQUEST FOR ADMISSION NO. 612:

Admit that for the majority of Fixes or Updates listed in Exhibit B, TN tested the Fix or
Update (in a process typically known as “individual fix testing” or “QA testing”), including by
copying the Fix Objects saved in the central development staging area to a Local Environment
within the applicable “source group” (as the term is used in Requests Nos. 576-579), to test the
functionality and stability of the Fix or Update and that it produced the expected results.
AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 612:

Defendants incorporate by reference, as if fully set forth herein, all of Defendants’ General Objections noted above. Defendants’ response is based solely on Defendant TomorrowNow’s knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant TomorrowNow in this response. Further, Defendants object to the extent that this request is compound, overly broad and unduly burdensome to the extent that it seeks an admission that would be applied to every single component of each fix and update at issue in this request. Moreover, Defendants object to this request on the basis that it is unduly burdensome because Defendants’ burden associated with responding to this request is substantially similar to the burden for Plaintiffs to obtain the information sought through this request, especially because the available documents, data and other information from which the answer, if any, could be derived in response to this request have been produced by Defendants in response to Plaintiffs’ other discovery requests and thus any relevant, available information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and qualifications, Defendants respond as follows:

ADMITTED for at least one component in the majority of the listed fixes or updates.

REQUEST FOR ADMISSION NO. 613:

Admit that for some Fixes or Updates listed in Exhibit B, TN tested the Fix or Update (in a process typically known as “individual fix testing” or “QA testing”), including by copying the Fix Objects saved in the central development staging area to a Local Environment within the applicable “source group” (as the term is used in Requests Nos. 576-579), to test the functionality and stability of the Fix or Update and that it produced the expected results.

AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 613:

Defendants incorporate by reference, as if fully set forth herein, all of Defendants’ General Objections noted above. Defendants’ response is based solely on Defendant TomorrowNow’s knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the
information provided by Defendant TomorrowNow in this response. Further, Defendants object
to the extent that this request is compound, overly broad and unduly burdensome to the extent that
it seeks an admission that would be applied to every single component of each fix and update at
issue in this request. Moreover, Defendants object to this request on the basis that it is unduly
burdensome because Defendants’ burden associated with responding to this request is
substantially similar to the burden for Plaintiffs to obtain the information sought through this
request, especially because the available documents, data and other information from which the
answer, if any, could be derived in response to this request have been produced by Defendants in
response to Plaintiffs’ other discovery requests and thus any relevant, available information is
now as equally accessible to Plaintiffs as it is to Defendants. Subject to and without waiving the
foregoing objections and qualifications, Defendants respond as follows:

ADMITTED for at least one component in some of the listed fixes or updates.

REQUEST FOR ADMISSION NO. 614:

Admit that for at least one Fix or Update listed in Exhibit B, TN tested the Fix or Update
(in a process typically known as “individual fix testing” or “QA testing”), including by copying
the Fix Objects saved in the central development staging area to a Local Environment within the
applicable “source group” (as the term is used in Requests Nos. 576-579), to test the functionality
and stability of the Fix or Update and that it produced the expected results.

AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 614:

Defendants incorporate by reference, as if fully set forth herein, all of Defendants’
General Objections noted above. Defendants’ response is based solely on Defendant
TomorrowNow’s knowledge with respect to the information sought in this request because
Defendants SAP AG and SAP America have no additional knowledge separate and apart from the
information provided by Defendant TomorrowNow in this response. Further, Defendants object
to the extent that this request is compound, overly broad and unduly burdensome to the extent that
it seeks an admission that would be applied to every single component of each fix and update at
issue in this request. Moreover, Defendants object to this request on the basis that it is unduly
burdensome because Defendants’ burden associated with responding to this request is
substantially similar to the burden for Plaintiffs to obtain the information sought through this
request, especially because the available documents, data and other information from which the
answer, if any, could be derived in response to this request have been produced by Defendants in
response to Plaintiffs’ other discovery requests and thus any relevant, available information is
now as equally accessible to Plaintiffs as it is to Defendants. Subject to and without waiving the
foregoing objections and qualifications, Defendants respond as follows:

ADMITTED for at least one component in at least one of the listed fixes or updates.

REQUEST FOR ADMISSION NO. 615:

Admit that the Local Environment used in the “individual fix testing” or “QA testing”
process described in Requests Nos. 611-614 always utilized a Local Environment different from
the Local Environment TN used to Develop the Fix Objects being tested.

AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 615:

Defendants incorporate by reference, as if fully set forth herein, all of Defendants’
General Objections noted above. Defendants’ response is based solely on Defendant
TomorrowNow’s knowledge with respect to the information sought in this request because
Defendants SAP AG and SAP America have no additional knowledge separate and apart from the
information provided by Defendant TomorrowNow in this response. Further, Defendants object
to the extent that this request is compound, overly broad and unduly burdensome to the extent that
it seeks an admission that would be applied to every single component of each fix and update at
issue in this request. Moreover, Defendants object to this request on the basis that it is unduly
burdensome because Defendants’ burden associated with responding to this request is
substantially similar to the burden for Plaintiffs to obtain the information sought through this
request, especially because the available documents, data and other information from which the
answer, if any, could be derived in response to this request have been produced by Defendants in
response to Plaintiffs’ other discovery requests and thus any relevant, available information is
now as equally accessible to Plaintiffs as it is to Defendants. Subject to and without waiving the
foregoing objections and qualifications, Defendants respond as follows:

DENIED.
Environments that SAP TN built from software obtained from Customers other than at least one Customer who received the Fix Object.

**AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 666:**

Defendants incorporate by reference, as if fully set forth herein, all of Defendants’ General Objections noted above. Defendants’ response is based solely on Defendant TomorrowNow’s knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant TomorrowNow in this response. Moreover, Defendants object to this request on the basis that it is unduly burdensome because Defendants’ burden associated with responding to this request is substantially similar to the burden for Plaintiffs to obtain the information sought through this request, especially because the available documents, data and other information from which the answer, if any, could be derived in response to this request have been produced by Defendants in response to Plaintiffs’ other discovery requests and thus any relevant, available information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and qualifications, Defendants respond as follows:

ADMITTED for the vast majority.

**REQUEST FOR ADMISSION NO. 667:**

Admit that for each Update listed in the right-hand column of Exhibit A, TN used a Local Environment with no Customer-specific identifier in its name (e.g., HR751CSS) to Develop at least one Fix Object that SAP TN then delivered to more than one Customer.

**AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 667:**

Defendants incorporate by reference, as if fully set forth herein, all of Defendants’ General Objections noted above. Defendants’ response is based solely on Defendant TomorrowNow’s knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant TomorrowNow in this response. Further, Defendants object to the extent that this request is compound, overly broad and unduly burdensome to the extent that
it seeks an admission that would be applied to every single component of each fix and update at
issue in this request. Moreover, Defendants object to this request on the basis that it is unduly
burdensome because Defendants’ burden associated with responding to this request is
substantially similar to the burden for Plaintiffs to obtain the information sought through this
request, especially because the available documents, data and other information from which the
answer, if any, could be derived in response to this request have been produced by Defendants in
response to Plaintiffs’ other discovery requests and thus any relevant, available information is
now as equally accessible to Plaintiffs as it is to Defendants. Subject to and without waiving the
foregoing objections and qualifications, Defendants respond as follows:

ADMITTED for at least one component in the vast majority of the listed updates.

REQUEST FOR ADMISSION NO. 668:

Admit that for each Update listed in the right-hand column of Exhibit A, TN used a Local
Environment with no Customer-specific identifier in its name (e.g., HR751CSS) to test at least
one Fix Object that SAP TN then delivered to more than one Customer.

AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 668:

Defendants incorporate by reference, as if fully set forth herein, all of Defendants’
General Objections noted above. Defendants’ response is based solely on Defendant
TomorrowNow’s knowledge with respect to the information sought in this request because
Defendants SAP AG and SAP America have no additional knowledge separate and apart from the
information provided by Defendant TomorrowNow in this response. Further, Defendants object
to the extent that this request is compound, overly broad and unduly burdensome to the extent that
it seeks an admission that would be applied to every single component of each fix and update at
issue in this request. Moreover, Defendants object to this request on the basis that it is unduly
burdensome because Defendants’ burden associated with responding to this request is
substantially similar to the burden for Plaintiffs to obtain the information sought through this
request, especially because the available documents, data and other information from which the
answer, if any, could be derived in response to this request have been produced by Defendants in
response to Plaintiffs’ other discovery requests and thus any relevant, available information is
now as equally accessible to Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and qualifications, Defendants respond as follows:

ADMITTED for at least one component in the vast majority of the listed updates.

REQUEST FOR ADMISSION NO. 669:

Admit that for each Fix listed in Exhibit B which included a DAT file, Copies of at least one DAT file were delivered to more than one Customer as part of the Fix.

AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 669:

Defendants incorporate by reference, as if fully set forth herein, all of Defendants’ General Objections noted above. Defendants’ response is based solely on Defendant TomorrowNow’s knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant TomorrowNow in this response. Moreover, Defendants object to this request on the basis that it is unduly burdensome because Defendants’ burden associated with responding to this request is substantially similar to the burden for Plaintiffs to obtain the information sought through this request, especially because the available documents, data and other information from which the answer, if any, could be derived in response to this request have been produced by Defendants in response to Plaintiffs’ other discovery requests and thus any relevant, available information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and qualifications, Defendants respond as follows:

ADMITTED for the vast majority.

REQUEST FOR ADMISSION NO. 670:

Admit that for each Fix listed in Exhibit B which included a COBOL file, at least one COBOL file from one Local Environment was modified by SAP TN and Copied and delivered to more than one Customer as part of the Fix.

AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 670:

Defendants incorporate by reference, as if fully set forth herein, all of Defendants’ General Objections noted above. Defendants’ response is based solely on Defendant
AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 680:

Defendants incorporate by reference, as if fully set forth herein, all of Defendants’ General Objections noted above. Defendants’ response is based solely on Defendant TomorrowNow’s knowledge with respect to the information sought in this request because Defendants SAP AG and SAP America have no additional knowledge separate and apart from the information provided by Defendant TomorrowNow in this response. Moreover, Defendants object to this request on the basis that it is unduly burdensome because Defendants’ burden associated with responding to this request is substantially similar to the burden for Plaintiffs to obtain the information sought through this request, especially because the available documents, data and other information from which the answer, if any, could be derived in response to this request have been produced by Defendants in response to Plaintiffs’ other discovery requests and thus any relevant, available information is now as equally accessible to Plaintiffs as it is to Defendants. Subject to and without waiving the foregoing objections and qualifications, Defendants respond as follows:

ADMITTED for the vast majority.

Dated: February 22, 2009

JONES DAY

By: /s/ Scott W. Cowan
    Scott W. Cowan
    Counsel for Defendants
    SAP AG, SAP AMERICA, INC., and TOMORROWNOW, INC.
PROOF OF SERVICE

I, Laurie Paige Burns, declare:

I am a citizen of the United States and employed in San Francisco County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 555 California Street, 26th Floor, San Francisco, California 94104. On February 22, 2010, I served a copy of the attached document(s):

DEFENDANTS’ FOURTH AMENDED RESPONSES TO REQUESTS 496 THROUGH 680 OF PLAINTIFFS’ SECOND SET OF REQUESTS FOR ADMISSION TO DEFENDANTS TOMORROWNOW, INC., SAP AG, AND SAP AMERICA, INC.

☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.

☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Francisco, California addressed as set forth below.

☐ by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

☒ by transmitting via e-mail or electronic transmission the document(s) listed above to the person(s) at the e-mail address(es) set forth below.

Donn Pickett, Esq.
Geoffrey M. Howard, Esq.
Holly A. House, Esq.
Zachary J. Alinder, Esq.
Bree Hann, Esq.
BINGHAM McCUTCHEN LLP
Three Embarcadero Center
San Francisco, CA 94111-4067
donn.pickett@bingham.com
geoff.howard@bingham.com
holly.house@bingham.com
zachary.alinder@bingham.com
bree.hann@bingham.com

Executed on February 22, 2010, at San Francisco, California.

By: ____________________________________________
     Laurie Paige Burns