IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ORACLE CORPORATION and ORACLE U.S.A. INC. Plaintiffs/Counterdefendants, v. EPICREALM LICENSING, LP, Defendant/Counterclaimant AND RELATED COUNTERCLAIMS	C.A. No. 06-414 (SLR)

SUPPLEMENTAL DECLARATION OF KATRINA MONTINOLA

MORRIS, NICHOLS, ARSHT & TUNNELL LLP
Mary B. Graham (#2256)
James W. Parrett, Jr. (#4292)
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899
(302) 658-9200
mgraham@mnat.com
jparrett@mnat.com

Attorneys for Oracle Corporation and Oracle U.S.A. Inc.

OF COUNSEL:

James G. Gilliland, Jr.
Theodore T. Herhold
Joseph A. Greco
Robert J. Artuz
Eric M. Hutchins
TOWNSEND AND TOWNSEND AND CREW LLP
379 Lytton Avenue
Palo Alto, CA 94301
(650) 326-2400

Dorian Daley
Peggy E. Bruggman
Matthew M. Sarboraria
ORACLE CORPORATION
ORACLE U.S.A., INC.
500 Oracle Parkway
Redwood Shores, CA 94065

DATED: September 4, 2008

I, Katrina Montinola, declare as follows:

1. Unless otherwise stated, the facts within this Declaration are within my personal knowledge and, if called and sworn as a witness, I could and would testify competently thereto.

2. I hereby incorporate by reference the facts stated in my Declaration in Support of Oracle's Motion for Summary Judgment of Invalidity of the Asserted Claims dated July 31, 2008 [D.I. 217] and my Declaration in Support of Oracle's Opposition to epicRealm's Motion for Partial Summary Judgment that the Oracle References Do Not Anticipate dated August 21, 2008 [D.I. 268].

3. As discussed in my previous declarations, Oracle WebServer 1.0 was an integrated Web server and database system that included the Oracle7 Server (a database server). As stated in the WebServer 1.0 User's Guide, the components of the Oracle WebServer included: (1) Oracle Web Listener, (2) Oracle Web Agent, (3) Oracle WebServer Developer's Toolkit, and (4) Oracle7 Server. [A96 at ORCL000021]. These components operated together to deliver both static and dynamic Web pages over the World Wide Web. SQL*Net was also included as part of the Oracle WebServer 1.0 system. As discussed in the WebServer 1.0 User's Guide, the Oracle Web Agent required SQL*Net to connect to remote databases. [A96 at ORCL000117, ORCL000173, and ORCL000177]. As discussed in my previous declarations, Oracle conceived of and reduced to practice the Oracle WebServer 1.0 system by July 1995. Again, that system included the four components listed above, and the Oracle7 Server including SQL*Net.

4. As discussed in my previous declarations, Oracle made WebServer 1.0 commercially available and on sale to the public no later than October 30, 1995. Particularly, it was initially released in the form of a software package called "Oracle WebServer Option." [Appendix Exh. A55]. Oracle business records showing sales of the Oracle WebServer Option

as early as November 1995 bear Bates Nos. ORCL01818144. [Appendix Exh. A104]. The Oracle WebServer Option package provided customers who previously or separately purchased an Oracle7 Server with a complete system for providing access to database information over the Web. The public release of Oracle WebServer Option included an Installation and Configuration Guide. A true and correct copy of such a Guide dated 1995 bears Bates Nos. ORCL00000277-340. [Excerpted at Appendix Exh. A127]. As stated in that Guide, the Oracle WebServer Option system included the Web Listener and Web Agent components and was specifically designed for installation with one or more Oracle7 database servers and for use with SQL*Net. [A127 at ORCL000296-304 and ORCL000326-327].

5. As discussed in my previous declarations, in November 1995, Oracle WebServer 1.0 was also sold bundled with the Oracle7 Server to provide the complete system in one package. [A55 at ORCL01027587]. As discussed above and in my previous declarations, Oracle WebServer 1.0 included the Oracle7 Server and SQL*Net. Like the Oracle WebServer Option, the public release of Oracle WebServer 1.0 also included an Installation and Configuration Guide. A true and correct copy of such a Guide dated 1995 bears Bates Nos. ORCL000225-276. [Excerpted at Appendix Exh. A128]. As stated in that Guide, Oracle WebServer 1.0 included the Oracle7 Server and SQL*Net. [A128 at ORCL000249-251]. Based in part on the above information, I have personal knowledge that, in November 1995, Oracle customers were purchasing and using Oracle WebServer 1.0, as it was designed, with one or more Oracle7 Servers (including SQL*Net) for running Websites that generated dynamic Web pages.

6. As discussed in my previous declarations, at the time of WebServer 1.0's first release in September 1995, Oracle was already selling its Oracle7 Server (v. 7.2) product

including SQL*Net (v. 2.2). For example, Oracle business records showing sales of these products as early as August 1995 bear Bates Nos. ORCL018109611 and ORCL01818196. [Excerpted at Appendix Exh. A54]. The User's Guide entitled "Understanding SQL*Net, Release 2.2" bearing Bates Nos. ORCL01806620-706 [Appendix Exh. A129] was made accessible to the public together with the offer for sale and sale of the Oracle7 Server. Pages 2-10 to 2-16 of that User's Guide describes how SQL*Net was used to select and establish database connections to dedicated servers and multithreaded servers. [A129 at ORCL01806663-669]. As discussed in the User's Guide, that same functionality was used in earlier versions of SQL*Net, including version 2.1, and was not new to version 2.2. [A129 at ORCL01806648-650].

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I executed this Declaration on this 2nd day of September 2008, at Palo Alto, California.

Katrina Montinola

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CERTIFICATE OF SERVICE

I hereby certify that on September 4, 2008, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF which will send electronic notification of such filing to the following:

Richard L. Horwitz
David Ellis Moore
POTTER ANDERSON & CORROON, LLP

Additionally, I hereby certify that true and correct copies of the foregoing were caused to be served on September 4, 2008 upon the following individuals in the manner indicated:

BY E-MAIL

Richard L. Horwitz
David Ellis Moore
POTTER ANDERSON & CORROON, LLP
1313 N. Market St., Hercules Plaza, 6th Floor
P.O. Box 951
Wilmington, DE 19899-0951

rhorwitz@potteranderson.com
dmoore@potteranderson.com

BY E-MAIL

George S. Bosy
JENNER & BLOCK
330 N. Wabash Avenue
Chicago, IL 60611-7603

gbosy@jenner.com

/s/ James W. Parrett, Jr.

James W. Parrett, Jr. (#4292)