

cc: [REDACTED]

Date: [REDACTED]

Subject: CONFIDENTIAL MANAGEMENT MATTERS

- CONFIDENTIAL -

Gentlemen -

As you are aware, the issues raised concerning the following subjects remain to be resolved. While other options could exist, I propose the most reliable basic responsible solutions which will include reparations and appropriate disclosure to customers, employees, shareholders, regulatory authorities, competitors and partners as well as the entities and individuals directly implicated.

SAP HANA and SAP BW On HANA UNDISCLOSED IP MATTERS

(Directly Supervised by [REDACTED])

Contact [REDACTED] to arrange payment of fair royalties for their technology that was misused in breach of contract, and for committing acts that amount to infringement of [REDACTED] database proprietary code and data for the benefit of building SAP HANA and SAP BW On HANA in violation of law; or alternatively, purchase [REDACTED] for the fair market value that company would have if key parts of its technology had not been taken by SAP to create directly competing products to its detriment.

Contact Oracle [REDACTED] to arrange payment of fair royalties for their technology misused by SAP HANA developers, including by means of the Sybase Replication Server to obtain and recreate process information and other data from [REDACTED] Oracle Database, breaching the licenses with those competitors and committing acts that amount to infringement of [REDACTED] Oracle database proprietary code and data for the benefit of building SAP HANA and SAP BW On HANA.

In the primordial interest of protecting SAP, it is important to note two new pieces of U.S. legislation passed against the theft of trade secrets from American companies, and the even stronger legislation on the close horizon.

- The Theft of Trade Secrets Clarification Act.
- The Foreign and Economic Espionage Penalty Enhancement Act of 2012.

Undisclosed financial damage caused to SAP – Approximately 10 to 25 billion Euros

including retribution to [redacted] Oracle, future royalties payable, potential product unavailability due to litigation, potential shareholder and other third-party class action lawsuit costs, criminal penalties, trademark devaluation, SEC and BaFin regulatory sanctions.

SAP GATEWAY UNDISCLOSED IP MATTERS

(Directly Supervised by [redacted], [redacted], [redacted])

Contact [redacted] to arrange payment of fair royalties for their technology that was misused in developing this product in breach of contract, and for committing acts that amount to infringement of their proprietary code and data for the benefit of building GATEWAY in violation of law. Reimburse [redacted] for the fair market value of their confidential proprietary information that was provided to SAP by a former [redacted] employee.

Undisclosed financial damage caused to SAP – Approximately 2 to 10 billion Euros including retribution to [redacted], future royalties payable, potential product unavailability due to litigation, potential shareholder and other third-party class action lawsuit costs, criminal penalties, trademark devaluation, SEC and BaFin regulatory sanctions.

[redacted] PATENT ACQUISITIONS MATTERS, [redacted] MATTERS, OTHER AUDITS

(Directly Supervised by [redacted], [redacted])

The integrity, independence and objectivity of the SAP Corporate Audit function have been compromised by the inappropriate timing (and thus inappropriate subject matter) of the related internal audits that were conducted for illegitimate internal political reasons and which disparaged targeted individuals. These audits and the final audit reports were unduly influenced and rewritten in part by a member or members of the Executive Board, and illegitimately reissued in at least one case. Significant material findings of other audits were suppressed or improperly lessened in impact under the instructions of management. Resolution will involve full disclosure to the Institute of Internal Auditors (IIA) and the German DIIR, and removal from office of those individuals found to have violated their ethical and contractual obligations.

