

# EXHIBIT 9

Ritchie played on 11-2

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2	<b>11:20 -12:7</b>	Ritchie, John 2009-12-02	00:00:50 00:00:18 00:15:05
	11:20	Q: In the course of those interviews, did -- let's start	
	11:21	with Greg Nelson -- did Greg Nelson give you a description of	
	11:22	what your job responsibilities would be at TomorrowNow?	
	11:23	A: They were looking for a -- specialize in automation	
	11:24	development for dot-net. And they said they had currently two	
	11:25	projects that were very good to go and they needed someone on	
	12:1	board fast to get them going. One was Titan. The other	
	12:2	was -- oh, God. I didn't work on it; so, I can't remember	
	12:3	what the heck it was. It was another application. But they	
	12:4	mentioned two specific applications, Titan being one of them.	
	12:5	They described Titan as a downloader. It went	
	12:6	and retrieved certain documents off the web, and they needed	
	12:7	someone to continue working on that program.	

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3	<b>13:5 -13:19</b>	Ritchie, John 2009-12-02	00:00:45 00:01:08 00:14:15
	13:5	Q: And did they give you any specifics about Titan other	
	13:6	than what you've already described?	
	13:7	A: No. They very much minimalized what the application	
	13:8	was. From my understanding, it was a very lightweight app	
	13:9	that went and retrieved some certain things, equivalent to	
	13:10	what's called web scraping, where you get a few key details	
	13:11	from a website, that's it, very, you know, minimal. So, they	
	13:12	downplayed the actual program's ability until I became an	
	13:13	employee.	
	13:14	Q: And what did you find when you became an employee?	
	13:15	A: What I found when I became an employee is that it was	
	13:16	much more than a downloader. It actually was going to	
	13:17	Oracle's website and pulling down documents, what they called	
	13:18	artifacts. So, to me, that was a little bit more than just	
	13:19	web scraping.	

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25:9 -26:12

Ritchie, John 2009 12 02

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25:9 Q: You had two subsequent conversations with Greg Nelson  
25:10 after this discussion with Mark DeLing in November, 2006.  
25:11 A: Correct. The first was, I was in a meeting with  
25:12 Peggy Lanford and Keith Shankle. Keith Shankle represented  
25:13 the JDE One World software line. Peggy Lanford represented  
25:14 she had some sort of control over the overall downloading.  
25:15 I only wrote the application. I didn't  
25:16 physically do any -- the actual downloading. I passed  
25:17 application to them and they had a team and I believe Peggy  
25:18 was in charge of that team. I'm not sure. But she was in the  
25:19 meeting with us; and while we were discussing creating a Titan  
25:20 for JDE One World, somehow the topic came up about, 'Is this  
25:21 legal?' And I said, 'I'm not going there. I've already been  
25:22 told to shut up about the deal.'  
25:23 And that's pretty much, as far as I know, all  
25:24 we said about it, and we took a short break and when we came  
25:25 back from the break, Greg Nelson had charged into the meeting  
26:1 room, slammed the door behind him, and he was saying, 'Who's  
26:2 talking about this being illegal, what we're doing? I don't  
26:3 want to hear anything more about this.' I mean, he -- he was  
26:4 actually a little bit outraged. You know, he just didn't come  
26:5 in nice and calm. He came in rather aggressive, kind of took  
26:6 us all aback; and he had mentioned that they also had concerns  
26:7 from the Asia office about what we were doing with Titan and  
26:8 the downloading in particular, whether or not it was legal.  
26:9 And Greg just mentioned that; and then he said, you know,  
26:10 'Look, I don't want any more said about this. We're going to  
26:11 deal with it at the company meeting, just keep going' -- 'just  
26:12 keep doing your work.'

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18      **31:12 -31:20**      Ritchie, John 2009-12-02      00:00:22    00:08:49    00:06:34

31:12    Q: Prior -- while you were having those discussions with  
31:13    Mr. Guzman, did he express similar concerns to the ones you  
31:14    were expressing?  
31:15    A: Yes.  
31:16    Q: And did he give a reason why he was concerned about  
31:17    the legality of Titan?  
31:18    A: Yes. For the same reasons I had, by reading the  
31:19    documents. It seemed to be very clear that what we were doing  
31:20    was not appropriate.

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19      **32:11 -33:1**      Ritchie, John 2009-12-02      00:00:42    00:09:11    00:06:12

32:11    Q: All right. The documents that you're referring to  
32:12    that gave rise to these concerns that were being discussed  
32:13    between you and Mr. Guzman, were any of them what you would  
32:14    refer to as the terms of use that are -- the terms of use that  
32:15    are posted on the Oracle website?  
32:16    A: Yes.  
32:17    Q: Did you -- did you read the terms of use?  
32:18    A: Yes.  
32:19    Q: And were the terms of use one of the documents that  
32:20    gave rise to the concerns that you had about what you were  
32:21    doing with Titan?  
32:22    A: Yes.  
32:23    Q: Did you discuss the terms of use with Mr. Guzman?  
32:24    A: Yes.  
32:25    Q: And did you discuss them with Mr. DeLing?  
33:1    A: Yes.

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20      **33:4 -33:6**      Ritchie, John 2009-12-02      00:00:06    00:09:53    00:05:30

33:4    Q: And with respect to the terms of use, did Mr. Guzman  
33:5    indicate to you that he shared your concerns?  
33:6    A: Yes.

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21      **33:15 -34:12**      Ritchie, John 2009-12-02      00:01:16    00:09:59    00:05:24

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33:23 Q: In addition -- other than the terms of use and the --  
33:24 and the various copyright notice that you saw, were  
33:25 there any -- was there anything else that you encountered in  
34:1 the course of developing Titan or downloading from the Oracle  
34:2 website that was a basis for the concerns you've described?  
34:3 A: Yes. The other concern that I mentioned was that  
34:4 since Titan was hammering their server so hard, downloading  
34:5 thousands and thousands of documents, I could see how many  
34:6 times the servers would crash by how many times my program had  
34:7 to break the connection and then reestablish it, renavigate  
34:8 back to where it was and pick up where it left off. And, so,  
34:9 you know, if you want to really look at it that way, this, in  
34:10 my mind, was equivalent to a -- what we call a  
34:11 denial-of-service attack, you know, where you basically pound  
34:12 on a server so hard that nobody can get through to it.

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25      **47:1 -48:10**      Ritchie, John 2009-12-02      00:02:18    00:13:05    00:02:18

47:1      Q: Now, you mentioned a couple of times a concern you  
47:2      had that you thought Titan was closing down the Oracle  
47:3      servers?  
47:4      A: Yes. Well, not -- not closing them down but to  
47:5      describe this best, the website has many different sections.  
47:6      I'm talking about the Oracle website.  
47:7      Q: And you're -- specifically, are you talking about  
47:8      Customer Connection?  
47:9      A: I'm just talking about the website in general. Once  
47:10     you log on, depending on any branch you go to, the PeopleSoft,  
47:11     JDE, Siebel, whatever, any part of it is filled with scripts,  
47:12     the functionality of programs, database connections,  
47:13     retrieving information. So, you basically have this big  
47:14     machine that's sitting there working away at providing  
47:15     information when someone requests it. This machine has flaws  
47:16     in it and when you put more and more pressure on it, you find  
47:17     these flaws a lot quicker and then the machine just breaks.  
47:18     And then you have to -- the server recovers itself and  
47:19     restarts and I -- you know, Titan just automatically  
47:20     reinitializes the connection and picks up where it left off.  
47:21     You're also talking about something that's  
47:22     going faster than a human can. You know, it's one thing to be  
47:23     a person on Oracle's website downloading this stuff; but to be  
47:24     an application that's multi-threaded and downloading as many  
47:25     as 15 documents simultaneously, it's quite a big difference.  
48:1      Q: Let's --  
48:2      A: And the reason I -- I kind of pushed this, because I  
48:3      kept getting pushed back from anyone -- you know, by everyone;  
48:4      but it was through Julio that Titan had to keep running, no  
48:5      matter what, even if Oracle's website crashed. And I believe

48:6 that's almost a direct quote. But, you know, the main thing  
48:7 was, Oracle needs to -- Titan needs to keep running. So, I  
48:8 basically designed the program that whatever problem it ran  
48:9 into, it just graciously handled and reinitialized and waited  
48:10 for the website to come back up; and it continued pounding.

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Play Time for this Script: **00:15:23**

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