

EXHIBIT D

45	142:1 -142:25	Jones, Juan 2009-04-24	00:01:44	00:36:08	00:10:01
	Link > A374.3.1	142:1 Q. At the bottom of the third page of Exhibit			
		142:2 19, the second-to-last paragraph, you reference the			
		142:3 CEO of SAP. Do you see that?			
		142:4 A. Yes, I do.			
		142:5 Q. And you quote him as saying, "'Migrating an			
		142:6 application involves some expense; you don't just			
		142:7 decide it overnight and the next day you spend the			
		142:8 millions.' That's right. It takes millions. The			
		142:9 customer has to 'spend the millions.' And it's			
		142:10 fraught with business disruption and risk!"			
		142:11 Do you see that?			
		142:12 A. Yes, I do.			
		142:13 Q. In your experience, do you agree with those			
		142:14 observations?			
		142:15 A. I agree that it -- it is a very significant			
		142:16 undertaking for a customer to migrate off of one			
		142:17 application and onto another application platform,			
		142:18 and in renewing support agreements, given that that			
		142:19 customer is on an application platform, given that			
		142:20 that customer is on Oracle, what I suggest to that			
		142:21 customer is that it's much easier to continue to			
		142:22 upgrade the software and consume the enhancements			
		142:23 that add business value to them, that minimizes			
		142:24 risk, that lowers cost of ownership, and that they			
	Link > Hide	142:25 should continue to do that instead.			
46	206:7 -206:11	Jones, Juan 2009-04-24	00:00:13	00:37:52	00:08:17
		206:7 Q. Do you have any understanding whether the			
		206:8 ability to provide services using Oracle-owned IP			
		206:9 gave TomorrowNow a competitive advantage in addition			
		206:10 to the fact that they were offering it for half the			
		206:11 price or less?			
47	206:14 -206:18	Jones, Juan 2009-04-24	00:00:21	00:38:05	00:08:04
		206:14 THE WITNESS: You know, I certainly didn't			
		206:15 know then that they were using Oracle intellectual			
		206:16 property to be able to deliver what would by			
		206:17 definition be the same services we're delivering at			
		206:18 half the price, so no.			
48	206:20 -206:21	Jones, Juan 2009-04-24	00:00:04	00:38:26	00:07:43
		206:20 Q. Knowing that, as you do today, do you think			
		206:21 that gave them a competitive advantage?			
49	206:23 -206:23	Jones, Juan 2009-04-24	00:00:01	00:38:30	00:07:39
		206:23 THE WITNESS: Yeah, absolutely.			