

# EXHIBIT G

	35:6	received these two copies of this e-mail?			
<b>35:7-35:8</b>	Oswald, Gerhard 2008-12-10	00:00:04	00:04:29	00:19:34	
	35:7	A. I cannot recall that.			
	35:8	Q. You don't know one way or the other?			
<b>35:9-35:9</b>	Oswald, Gerhard 2008-12-10	00:00:05	00:04:33	00:19:30	
	35:9	A. I cannot remember that sentence.			
<b>35:10-35:12</b>	Oswald, Gerhard 2008-12-10	00:00:08	00:04:38	00:19:25	
	35:10	Q. Do you remember the idea, the problem that he			
	35:11	focussed on, that TomorrowNow would be using the software			
	35:12	outside of the contractual use rights?			
<b>35:13-35:13</b>	Oswald, Gerhard 2008-12-10	00:00:04	00:04:46	00:19:17	
<a href="#">Link &gt; Hide</a>	35:13	A. I cannot recall that.			
<b>41:23-42:3</b>	Oswald, Gerhard 2008-12-10	00:00:38	00:04:50	00:19:13	
<a href="#">Link &gt; 12.1.2</a>	41:23	Q. Exhibit 447 is a December 23, 2004 e-mail			
	41:24	from Thomas Ziemen to Leo Apotheker, Shai Agassi and Marty			
	41:25	Homlish, with a carbon copy to you and to Henning Kagermann			
<a href="#">Link &gt; 12.2.1</a>	42:1	with a PowerPoint attached that was entitled "A Roadmap for			
	42:2	PeopleSoft customers to SAP", and the Bates number is			
	42:3	SAP-OR00253278 through 301.			
<b>42:18-42:20</b>	Oswald, Gerhard 2008-12-10	00:00:08	00:05:28	00:18:35	
	42:18	Q. Mr. Ziemen testified that you had assigned him			
	42:19	the task of creating this plan in mid December 2004. Is			
	42:20	that correct?			
<b>42:21-42:23</b>	Oswald, Gerhard 2008-12-10	00:00:20	00:05:36	00:18:27	
	42:21	A. I don't know if it was this plan. He had			
	42:22	various tasks, among them to create roadmaps for the service			
	42:23	portfolio.			
<b>43:2-43:4</b>	Oswald, Gerhard 2008-12-10	00:00:06	00:05:56	00:18:07	
<a href="#">Link &gt; 12.11.2</a>	43:2	Q. this is			(Edited)
	43:3	a document where the slide is titled "SAP Business			
	43:4	Opportunity",			(Edited)
<b>43:4-43:6</b>	Oswald, Gerhard 2008-12-10	00:00:10	00:06:02	00:18:01	
	43:4	which projects as far out as -- for three			(Edited)
	43:5	years. It projects for 2005, 2006 and 2007. Do you see			
	43:6	that?			
<b>43:7-43:7</b>	Oswald, Gerhard 2008-12-10	00:00:02	00:06:12	00:17:51	
	43:7	A. Yes.			
<b>44:3-44:5</b>	Oswald, Gerhard 2008-12-10	00:00:09	00:06:14	00:17:49	
	44:3	Q. And do you recall anybody having any			
	44:4	disagreement with the forecasted revenues contained in			
	44:5	exhibit 447?			

<b>44:6-44:7</b>	Oswald, Gerhard 2008-12-10	00:00:07	00:06:23	00:17:40	
	<a href="#">44:6</a>	A. I cannot remember any discussion.			
<a href="#">Link &gt; 12.6.2</a>	<a href="#">44:7</a>	Q. Could you turn back to page 283.			(Edited)
<b>44:7-44:9</b>	Oswald, Gerhard 2008-12-10	00:00:06	00:06:30	00:17:33	
	<a href="#">44:7</a>	Q. And this is			(Edited)
	<a href="#">44:8</a>	a chart entitled "Roadmap and Value Proposition for			
	<a href="#">44:9</a>	PeopleSoft Customers".			(Edited)
<b>44:9-44:12</b>	Oswald, Gerhard 2008-12-10	00:00:19	00:06:36	00:17:27	
	<a href="#">44:9</a>	And this indicates SAP's expectation			(Edited)
	<a href="#">44:10</a>	that PeopleSoft customers who sign up for maintenance on			
	<a href="#">44:11</a>	their PeopleSoft applications with SAP in 2005 will be			
	<a href="#">44:12</a>	migrated to SAP applications by 2008. Do you see that?			
<b>44:13-44:13</b>	Oswald, Gerhard 2008-12-10	00:00:01	00:06:55	00:17:08	
	<a href="#">44:13</a>	A. Yes.			
<b>51:7-51:8</b>	Oswald, Gerhard 2008-12-10	00:00:09	00:06:56	00:17:07	
<a href="#">Link &gt; 127.1.1</a>	<a href="#">51:7</a>	Q. The PowerPoint attachment in this exhibit is			
	<a href="#">51:8</a>	the initial case for the acquisition; correct?			
<b>51:9-51:11</b>	Oswald, Gerhard 2008-12-10	00:00:12	00:07:05	00:16:58	
<a href="#">Link &gt; 127.2.1</a>	<a href="#">51:9</a>	A. I assume so. It's a standard template for			
	<a href="#">51:10</a>	acquisition, and it looks like that.			
	<a href="#">51:11</a>	Q. And you reviewed it at the time; correct?			
<b>51:12-51:12</b>	Oswald, Gerhard 2008-12-10	00:00:03	00:07:17	00:16:46	
	<a href="#">51:12</a>	A. But not in detail.			
<b>51:13-51:13</b>	Oswald, Gerhard 2008-12-10	00:00:02	00:07:20	00:16:43	
<a href="#">Link &gt; 127.3.5</a>	<a href="#">51:13</a>	Q. Could you look at the executive summary. It			
<b>51:14-51:15</b>	Oswald, Gerhard 2008-12-10	00:00:03	00:07:22	00:16:41	
	<a href="#">51:14</a>	The conclusions, do you see the conclusions			(Edited)
	<a href="#">51:15</a>	there?			
<b>51:16-51:20</b>	Oswald, Gerhard 2008-12-10	00:00:14	00:07:25	00:16:38	
<a href="#">Link &gt; 127.3.1</a>	<a href="#">51:16</a>	A. Yes.			
	<a href="#">51:17</a>	Q. And the first conclusion reads:			
	<a href="#">51:18</a>	"Our market research shows that TomorrowNow is the			
	<a href="#">51:19</a>	only meaningful North American provider of third party			
	<a href="#">51:20</a>	PeopleSoft maintenance services."			
<b>51:21-51:21</b>	Oswald, Gerhard 2008-12-10	00:00:02	00:07:39	00:16:24	
	<a href="#">51:21</a>	Did you ever see that market research?			
<b>51:22-51:24</b>	Oswald, Gerhard 2008-12-10	00:00:25	00:07:41	00:16:22	
	<a href="#">51:22</a>	A. I can only recall an overview, concerning			
	<a href="#">51:23</a>	smaller companies which offer such services in the market,			
	<a href="#">51:24</a>	but I cannot recall any details of such market research.			
<b>52:11-52:14</b>	Oswald, Gerhard 2008-12-10	00:00:12	00:08:06	00:15:57	

66:21 present.

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**79:19 -79:22** Oswald, Gerhard 2008-12-10 00:00:13 00:14:02 00:10:01  
 79:19 Q. Do you know what, if anything, was done after  
 79:20 the acquisition of TomorrowNow to further investigate how  
 79:21 TomorrowNow was going to be providing the service on what  
 79:22 were now SAP customers?

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**80:3 -80:6** Oswald, Gerhard 2008-12-10 00:00:27 00:14:15 00:09:48  
 80:3 A. It was the standard task of the board of  
 80:4 directors, and they managed the business transactions.  
 80:5 BY MS. HOUSE:  
 80:6 Q. And you are a member of that board; correct?

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**80:9 -80:15** Oswald, Gerhard 2008-12-10 00:00:26 00:14:42 00:09:21  
 80:9 A. No, I am not a part of the board of directors.  
 80:10 I am talking about the TomorrowNow board of directors here.  
 80:11 BY MS. HOUSE:  
 80:12 Q. So it was your understanding that the new  
 80:13 board of directors for TomorrowNow, after the acquisition,  
 80:14 was responsible for investigating how TomorrowNow was  
 80:15 providing service?

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**80:16 -80:17** Oswald, Gerhard 2008-12-10 00:00:07 00:15:08 00:08:55  
 80:16 A. Yes.  
 80:17 Q. And then reporting back to whom at SAP?

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**80:18 -80:20** Oswald, Gerhard 2008-12-10 00:00:19 00:15:15 00:08:48  
 80:18 A. The board of directors was a subsidiary of SAP  
 80:19 America, and there was a relevant reporting path.  
 80:20 Q. To SAP America?

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**80:21 -80:22** Oswald, Gerhard 2008-12-10 00:00:11 00:15:34 00:08:29  
 80:21 A. SAP America and the relevant areas I mentioned  
 80:22 this morning.

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**84:1 -84:3** Oswald, Gerhard 2008-12-10 00:00:11 00:15:45 00:08:18  
 84:1 Q. Do you recall the SAP executive board  
 84:2 discussing that there were risks involved in doing the  
 84:3 acquisition, but that they were willing to take those risks?

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**84:4 -84:8** Oswald, Gerhard 2008-12-10 00:00:38 00:15:56 00:08:07  
 84:4 A. I can remember the discussion which was  
 84:5 presented earlier concerning the business cases, listing  
 84:6 risks; but I cannot remember other discussions.  
 84:7 Q. But obviously despite those risks, SAP decided  
 84:8 to go ahead and acquire TomorrowNow; correct?

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**84:9 -84:13** Oswald, Gerhard 2008-12-10 00:00:34 00:16:34 00:07:29  
 84:9 A. During the business case, they listed  
 84:10 potential risks, but it is correct that we looked at those

84:11 risks and decided to acquire.

84:12 Q. TomorrowNow?

84:13 THE INTERPRETER: TomorrowNow.

<p><b>85:3 -85:6</b></p> <p><a href="#">Link &gt; 141.1.1</a></p>	<p>Oswald, Gerhard 2008-12-10 00:00:19 00:17:08 00:06:55</p> <p>85:3 Exhibit 236 is a forwarded e-mail that originally came from</p> <p>85:4 Scott Lutz to a group of people, including yourself, on</p> <p>85:5 January 16, 2005, titled "Safe Passage Strategy Deck</p> <p>85:6 Update", with an attachment. <span style="float: right;">(Edited)</span></p>
<p><b>86:23 -86:24</b></p>	<p>Oswald, Gerhard 2008-12-10 00:00:04 00:17:27 00:06:36</p> <p>86:23 Q. And this was a couple of days before the</p> <p>86:24 acquisition of TomorrowNow; correct?</p>
<p><b>86:25 -87:3</b></p>	<p>Oswald, Gerhard 2008-12-10 00:00:21 00:17:31 00:06:32</p> <p>86:25 A. If it was 2005, then yes.</p> <p>87:1 Q. And the coordination of the announcement of</p> <p>87:2 the Safe Passage program, it was coordinated with the</p> <p>87:3 announcement of the acquisition of TomorrowNow; correct?</p>
<p><b>87:4 -87:4</b></p>	<p>Oswald, Gerhard 2008-12-10 00:00:01 00:17:52 00:06:11</p> <p>87:4 A. Yes.</p>
<p><b>87:13 -87:14</b></p>	<p>Oswald, Gerhard 2008-12-10 00:00:06 00:17:53 00:06:10</p> <p>87:13 Was the acquisition of TomorrowNow considered</p> <p>87:14 an aggressive game to keep Oracle off balance?</p>
<p><b>87:15 -87:16</b></p>	<p>Oswald, Gerhard 2008-12-10 00:00:17 00:17:59 00:06:04</p> <p>87:15 A. I believe that TomorrowNow was too small to</p> <p>87:16 talk about "aggressive" and "off balance".</p>
<p><b>89:1 -89:6</b></p> <p><a href="#">Link &gt; 141.5.1</a></p>	<p>Oswald, Gerhard 2008-12-10 00:00:27 00:18:16 00:05:47</p> <p>89:1 Q. And if you turn to the next page, the strategy</p> <p>89:2 page on page 2050, the goal is listed as:</p> <p>89:3 "Our goal is to convert the majority of the</p> <p>89:4 PeopleSoft and J.D. Edwards customer base to SAP and contain</p> <p>89:5 Oracle's potential growth in the next generation application</p> <p>89:6 market."</p>
<p><b>89:7 -89:8</b></p>	<p>Oswald, Gerhard 2008-12-10 00:00:04 00:18:43 00:05:20</p> <p>89:7 A. Yes.</p> <p>89:8 Q. And that was SAP's goal at the time; correct?</p>
<p><b>89:9 -89:11</b></p>	<p>Oswald, Gerhard 2008-12-10 00:00:08 00:18:47 00:05:16</p> <p>89:9 A. Yes.</p> <p>89:10 Q. And to achieve that goal, SAP sets forth the</p> <p>89:11 following strategy that's listed below it; right?</p>
<p><b>89:12 -89:20</b></p> <p><a href="#">Link &gt; 141.5.2</a></p>	<p>Oswald, Gerhard 2008-12-10 00:00:39 00:18:55 00:05:08</p> <p>89:12 A. Yes.</p> <p>89:13 Q. And that is:</p> <p>89:14 "By offering full maintenance and support of</p>

	89:15	PeopleSoft and J.D. Edwards systems, migration tools along			
	89:16	with favorable upgrade licensing terms to SAP NetWeaver and			
	89:17	mySAP ERP, SAP will siphon off the cashflow that Oracle			
	89:18	needs to build or acquire its next generation applications.			
	89:19	SAP will establish or reinvigorate relationships with			
	89:20	potentially thousands of new and existing customers."			
<b>89:21 -89:22</b>	Oswald, Gerhard	2008-12-10	00:00:09	00:19:34	00:04:29
	89:21	And those thousands of customer relationships			
	89:22	referenced in the strategy had a value to SAP; correct?			
<b>89:23 -89:23</b>	Oswald, Gerhard	2008-12-10	00:00:02	00:19:43	00:04:20
<a href="#">Link &gt; Hide</a>	89:23	A. Yes.			
<b>94:8 -94:10</b>	Oswald, Gerhard	2008-12-10	00:00:09	00:19:45	00:04:18
	94:8	Q. And the ultimate goal was to try to get the			
	94:9	TomorrowNow customers to become SAP applications customers;			
	94:10	correct?			
<b>94:11 -94:11</b>	Oswald, Gerhard	2008-12-10	00:00:01	00:19:54	00:04:09
	94:11	A. That's correct.			
<b>94:12 -94:15</b>	Oswald, Gerhard	2008-12-10	00:00:12	00:19:55	00:04:08
<a href="#">Link &gt; 151.1.1</a>	94:12	Q. And let me show you an e-mail that was dated			
	94:13	the day after the presentation we just discussed. Could you			
	94:14	look at what has been marked exhibit 594.			
	94:15	(Exhibit 594 marked for identification)			
<b>94:16 -94:18</b>	Oswald, Gerhard	2008-12-10	00:00:15	00:20:07	00:03:56
	94:16	Q. It is dated 20th January, 2005,			
	94:17	SAP-OR00136079 through 80, and you are listed as			
	94:18	a recipient. Do you see that?			
<b>94:19 -94:22</b>	Oswald, Gerhard	2008-12-10	00:00:11	00:20:22	00:03:41
	94:19	A. Yes.			
	94:20	Q. So the record is clear: you are a recipient of			
	94:21	the underlying e-mail from Mr. Lutz, and then you forward it			
	94:22	yourself to others; correct?			
<b>94:23 -94:23</b>	Oswald, Gerhard	2008-12-10	00:00:02	00:20:33	00:03:30
<a href="#">Link &gt; Hide</a>	94:23	A. That is correct.			
<b>97:14 -97:15</b>	Oswald, Gerhard	2008-12-10	00:00:03	00:20:35	00:03:28
<a href="#">Link &gt; 24.1</a>	97:14	Q. Could you look at what has been marked			
	97:15	exhibit 595.			
<b>98:10 -98:11</b>	Oswald, Gerhard	2008-12-10	00:00:06	00:20:38	00:03:25
	98:10	Q. Could you look at page 299496, titled "Analyst			
	98:11	Support".			(Edited)
<b>98:11 -98:13</b>	Oswald, Gerhard	2008-12-10	00:00:18	00:20:44	00:03:19
<a href="#">Link &gt; 24.2.4</a>	98:11	It is the first page of the presentation. And			(Edited)

	255:25	Q. But as we have seen, SAP had other reasons			
	256:1	besides revenue for doing the TomorrowNow deal; correct?			
<b>256:2 -256:4</b>	Oswald, Gerhard	2008-12-11	00:00:08	00:20:29	00:14:00
	256:2	A. Yes.			
	256:3	Q. The acquisition was also driven by the			
	256:4	strategic impact it would have on Oracle; correct?			
<b>256:5 -256:6</b>	Oswald, Gerhard	2008-12-11	00:00:15	00:20:37	00:13:52
	256:5	A. Yes, in order to generate more software			
	256:6	revenue for SAP, with SAP software.			
<b>262:4 -262:7</b>	Oswald, Gerhard	2008-12-11	00:00:14	00:20:52	00:13:37
	262:4	Q. And the reason that the entire Safe Passage			
	262:5	program was discussed in connection with the TomorrowNow			
	262:6	acquisition was because of TomorrowNow's role in Safe			
	262:7	Passage?			
<b>262:8 -262:11</b>	Oswald, Gerhard	2008-12-11	00:00:47	00:21:06	00:13:23
	262:8	A. No. Safe Passage also comprises other			
	262:9	migrations of other software solutions; for instance, local			
	262:10	software solutions of medium sized software companies in			
	262:11	other countries.			
<b>271:9 -271:11</b>	Oswald, Gerhard	2008-12-11	00:00:06	00:21:53	00:12:36
Link > 256.1	271:9	Q. Does the fact that Mr. Ziemen's name appears			
	271:10	on the footer give you any understanding that he created			
	271:11	this?			
<b>271:12 -271:16</b>	Oswald, Gerhard	2008-12-11	00:00:37	00:21:59	00:12:30
	271:12	A. It does suggest that, but Mr. Ziemen, like			
	271:13	many other project managers, collected lots and lots of			
	271:14	slides to put them together for overall presentations.			
	271:15	Q. So he may have gotten the information from			
	271:16	elsewhere?			
<b>271:17 -271:17</b>	Oswald, Gerhard	2008-12-11	00:00:02	00:22:36	00:11:53
	271:17	A. Yes.			
<b>271:18 -271:19</b>	Oswald, Gerhard	2008-12-11	00:00:10	00:22:38	00:11:51
Link > 256.5.2	271:18	Q. Could you turn to page 136764, titled			
	271:19	"Business Case TomorrowNow 2006: Executive Summary, Reason".			
<b>271:20 -271:21</b>	Oswald, Gerhard	2008-12-11	00:00:06	00:22:48	00:11:41
	271:20	And under the top portion, there's a reference to "Key			
	271:21	Achievements 2005".			
<b>271:22 -272:3</b>	Oswald, Gerhard	2008-12-11	00:00:24	00:22:54	00:11:35
	271:22	A. Yes.			
	271:23	Q. And the third bullet reads:			
Link > 256.5.1	271:24	"The maintenance offering -- a key part of the			
	271:25	Safe Passage program and provided by TomorrowNow -- is used			

	272:1 as enabler for future license revenue, to grow maintenance 272:2 contract volume taken away from Oracle and to generate 272:3 additional maintenance revenue for SAP."				
<b>272:4 -272:5</b>	Oswald, Gerhard 2008-12-11 272:4 And those were among the key achievements for 272:5 TomorrowNow in 2005?	00:00:04	00:23:18	00:11:11	
<b>272:6 -272:9</b>	Oswald, Gerhard 2008-12-11 272:6 A. Yes.	00:00:15	00:23:22	00:11:07	
	272:7 Q. And the other key achievements listed in this 272:8 section, do you have any reason to believe that those are 272:9 inaccurately presented?				
<b>272:10 -272:10</b>	Oswald, Gerhard 2008-12-11 272:10 A. No.	00:00:02	00:23:37	00:10:52	
<b>273:21 -273:24</b> <a href="#">Link &gt; 256.6.1</a>	Oswald, Gerhard 2008-12-11 273:21 Q. And looking at the next page, the first 273:22 question is: 273:23 "How does this business case support SAP's 273:24 strategy and Board area strategy?"	00:00:14	00:23:39	00:10:50	
<b>273:25 -273:25</b>	Oswald, Gerhard 2008-12-11 273:25 And there are four bullets.	00:00:02	00:23:53	00:10:36	(Edited)
<b>273:25 -274:3</b> <a href="#">Link &gt; 256.6.2</a>	Oswald, Gerhard 2008-12-11 273:25 And the second bullet 274:1 reads: 274:2 "Leverage service as competitive weapon in order 274:3 to restrict competition."	00:00:12	00:23:55	00:10:34	(Edited)
<b>274:4 -274:6</b> <a href="#">Link &gt; 256.6.3</a>	Oswald, Gerhard 2008-12-11 274:4 And the next bullet reads: 274:5 "Support SAP's strategy to grow and secure 274:6 Maintenance revenue."	00:00:06	00:24:07	00:10:22	
<b>274:7 -274:9</b> <a href="#">Link &gt; 256.6.4</a>	Oswald, Gerhard 2008-12-11 274:7 And the last bullet reads: 274:8 "Strengthen global market position and increase 274:9 global market share."	00:00:06	00:24:13	00:10:16	
<b>274:10 -274:11</b>	Oswald, Gerhard 2008-12-11 274:10 And those were all SAP's strategy and the board 274:11 area's strategy?	00:00:05	00:24:19	00:10:10	
<b>274:12 -274:12</b> <a href="#">Link &gt; Hide</a>	Oswald, Gerhard 2008-12-11 274:12 A. Yes.	00:00:02	00:24:24	00:10:05	
<b>277:13 -277:14</b> <a href="#">Link &gt; 43.1.2</a>	Oswald, Gerhard 2008-12-11 277:13 Q. Did you review or receive this presentation 277:14 document?	00:00:05	00:24:26	00:10:03	

<b>277:15 -277:18</b>	Oswald, Gerhard 2008-12-11	00:00:27	00:24:31	00:09:58	
	277:15	A. I remember that there was a discussion and			
	277:16	there was a draft prepared for the supervisory board			
	277:17	meeting, but whether it was actually presented as shown in			
	277:18	this exhibit, I don't know.			
<b>280:23 -280:24</b>	Oswald, Gerhard 2008-12-11	00:00:08	00:24:58	00:09:31	
<a href="#">Link &gt; 43.9.1</a>	280:23	Q. And turning to page 578, titled "From Loss for			
	280:24	Oracle to Revenues for TomorrowNow".			
					(Edited)
<b>280:24 -281:2</b>	Oswald, Gerhard 2008-12-11	00:00:10	00:25:06	00:09:23	
	280:24	And the first bullet			
	280:25	underneath the chart reads:			
	281:1	"Major KPI for TomorrowNow is the Annual Loss in			
	281:2	Contract Volume for Oracle."			
					(Edited)
<b>281:3 -281:3</b>	Oswald, Gerhard 2008-12-11	00:00:03	00:25:16	00:09:13	
	281:3	And that was a major KPI for TomorrowNow?			
<b>281:4 -281:4</b>	Oswald, Gerhard 2008-12-11	00:00:01	00:25:19	00:09:10	
	281:4	A. Yes.			
<b>281:22 -281:24</b>	Oswald, Gerhard 2008-12-11	00:00:13	00:25:20	00:09:09	
	281:22	And are the points under this second bullet meant			
	281:23	to explain why, as a matter of pure numbers, TomorrowNow's			
	281:24	revenues are not a full indicator of its value to SAP?			
<b>281:25 -281:25</b>	Oswald, Gerhard 2008-12-11	00:00:03	00:25:33	00:08:56	
<a href="#">Link &gt; Hide</a>	281:25	A. That is correct, yes.			
<b>282:7 -282:8</b>	Oswald, Gerhard 2008-12-11	00:00:06	00:25:36	00:08:53	
	282:7	Now, you are aware that Oracle acquired Siebel			
	282:8	after it acquired PeopleSoft; correct?			
<b>282:9 -282:11</b>	Oswald, Gerhard 2008-12-11	00:00:09	00:25:42	00:08:47	
	282:9	A. Yes.			
	282:10	Q. And thereafter, SAP authorized TomorrowNow to			
	282:11	service Oracle/Siebel applications; correct?			
<b>282:12 -282:12</b>	Oswald, Gerhard 2008-12-11	00:00:01	00:25:51	00:08:38	
	282:12	A. Yes.			
<b>288:11 -288:12</b>	Oswald, Gerhard 2008-12-11	00:00:03	00:25:52	00:08:37	
<a href="#">Link &gt; 267.1.1</a>	288:11	MS. HOUSE: Let me show you what was previously			
	288:12	marked exhibit 472.			
<b>288:17 -288:20</b>	Oswald, Gerhard 2008-12-11	00:00:22	00:25:55	00:08:34	
	288:17	Q. And exhibit 472 is a document, TN-OR00995250			
	288:18	through 5258, entitled "Business Case TomorrowNow -- Siebel.			
	288:19	Board Area: Gerhard Oswald" and it appears to be a draft of			
	288:20	the Siebel business case.			
<b>288:21 -289:2</b>	Oswald, Gerhard 2008-12-11	00:00:34	00:26:17	00:08:12	

Link > 267.5.1	288:21	If you would turn to page 254, it is entitled			
	288:22	"Business Opportunity -- TomorrowNow Offering for Siebel".			
	288:23	And at the top left, under "Customer Analysis", there is the			
	288:24	statement:			
	288:25	"The Siebel customer base consists of 4,000			
	289:1	customers (including large number of joint SAP/Siebel			
	289:2	customers) and presents a huge market opportunity."			
<b>289:3 -289:4</b>	Oswald, Gerhard	2008-12-11	00:00:07	00:26:51	00:07:38
	289:3	Did you agree that accessing that customer base			
	289:4	was a huge opportunity for SAP?			
<b>289:5 -289:5</b>	Oswald, Gerhard	2008-12-11	00:00:01	00:26:58	00:07:31
	289:5	A. Yes.			
<b>289:17 -289:23</b>	Oswald, Gerhard	2008-12-11	00:00:25	00:26:59	00:07:30
Link > 267.5.2	289:17	Q. And looking at the "Conclusions" portion of			
	289:18	this page, the second conclusion reads:			
	289:19	"The Maintenance offering -- a key part of the			
	289:20	Safe Passage program and provided by TomorrowNow -- can be			
	289:21	used as enabler for future license revenue, to grow			
	289:22	maintenance contract volume taken away from Oracle and to			
	289:23	generate additional maintenance revenue for SAP."			
<b>289:24 -289:25</b>	Oswald, Gerhard	2008-12-11	00:00:07	00:27:24	00:07:05
	289:24	Was that also a reason for SAP's decision to have			
	289:25	TomorrowNow service Siebel applications?			
<b>290:1 -290:5</b>	Oswald, Gerhard	2008-12-11	00:00:14	00:27:31	00:06:58
	290:1	A. Yes.			
	290:2	Q. Mr. Ziemen testified that you and Mr. Brandt			
	290:3	presented the business case for expanding TomorrowNow's			
	290:4	service to Siebel, to the SAP executive board. Did you do			
	290:5	so?			
<b>290:6 -290:7</b>	Oswald, Gerhard	2008-12-11	00:00:05	00:27:45	00:06:44
Link > Hide	290:6	A. That is possible, but I don't recall			
	290:7	precisely.			
<b>290:19 -290:23</b>	Oswald, Gerhard	2008-12-11	00:00:20	00:27:50	00:06:39
	290:19	Q. Mr. Ziemen testified that when he wrote this			
	290:20	business case, he did not include any consideration of how			
	290:21	to protect the potential misuse of Siebel intellectual			
	290:22	property in creating this business case. Do you have any			
	290:23	memory of any consideration of that?			
<b>291:1 -291:1</b>	Oswald, Gerhard	2008-12-11	00:00:03	00:28:10	00:06:19
	291:1	A. I can't remember.			
<b>291:11 -291:13</b>	Oswald, Gerhard	2008-12-11	00:00:12	00:28:13	00:06:16
	291:11	Q. Do you remember whether any efforts were taken			

	291:12	at all to protect Oracle-owned intellectual property in			
	291:13	going forward with the provision of service on Siebel?			
<b>291:15 -291:15</b>	Oswald, Gerhard	2008-12-11	00:00:03	00:28:25	00:06:04
	291:15	A. I can't remember.			
<b>291:23 -291:25</b>	Oswald, Gerhard	2008-12-11	00:00:12	00:28:28	00:06:01
	291:23	Q. Can you name any safeguards that were adopted			
	291:24	in connection with the decision to go forward with Siebel			
	291:25	service, to protect Oracle's IP?			
<b>292:2 -292:3</b>	Oswald, Gerhard	2008-12-11	00:00:06	00:28:40	00:05:49
	292:2	A. I don't remember whether that was discussed			
	292:3	now.			
<b>293:12 -293:13</b>	Oswald, Gerhard	2008-12-11	00:00:03	00:28:46	00:05:43
	293:12	Q. Let me show you what we have marked as			
	293:13	exhibit 613.			
<b>293:21 -293:24</b>	Oswald, Gerhard	2008-12-11	00:00:10	00:28:49	00:05:40
<a href="#">Link &gt; 435.1.1</a>	293:21	And he writes:			
	293:22	"Good morning, Gerd. I am writing to inform			
	293:23	you of some exciting new activities underway targeting			
	293:24	Oracle."			
<b>294:2 -294:4</b>	Oswald, Gerhard	2008-12-11	00:00:10	00:28:59	00:05:30
<a href="#">Link &gt; 435.2.1</a>	294:2	he describes that plan in the second bullet as			(Edited)
	294:3	including a strong TomorrowNow component integrated			
	294:4	throughout the plan.			
<b>294:5 -294:7</b>	Oswald, Gerhard	2008-12-11	00:00:09	00:29:09	00:05:20
	294:5	And so up until the eve of Oracle's lawsuit,			
	294:6	TomorrowNow was integral to SAP's efforts to attack Oracle;			
	294:7	correct?			
<b>294:10 -294:10</b>	Oswald, Gerhard	2008-12-11	00:00:01	00:29:18	00:05:11
<a href="#">Link &gt; Hide</a>	294:10	A. Yes.			
<b>321:23 -321:25</b>	Oswald, Gerhard	2009-10-27	00:00:10	00:29:19	00:05:10
	321:23	Q: It was the SAP executive board of			
	321:24	directors that made the decision for TomorrowNow to			
	321:25	offer support for Siebel software?			
<b>322:3 -322:3</b>	Oswald, Gerhard	2009-10-27	00:00:01	00:29:29	00:05:00
	322:3	THE WITNESS: Yes.			
<b>322:8 -322:10</b>	Oswald, Gerhard	2009-10-27	00:00:12	00:29:30	00:04:59
	322:8	Q: At the time, the board's intention was			
	322:9	that TomorrowNow's service offering for Siebel would be			
	322:10	part of the larger SAP Safe Passage program?			
<b>322:11 -322:11</b>	Oswald, Gerhard	2009-10-27	00:00:01	00:29:42	00:04:47
	322:11	A: Yes.			