

EXHIBIT D

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BEFORE THE HONORABLE PHYLLIS J. HAMILTON, JUDGE

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| ORACLE CORPORATION, ET AL. |) | JURY TRIAL |
| |) | |
| PLAINTIFFS, |) | NO. C 07-01658 PJH |
| |) | |
| VS. |) | VOLUME 7 |
| |) | |
| SAP AG, ET AL., |) | PAGES 1188 - 1420 |
| |) | |
| DEFENDANTS. |) | OAKLAND, CALIFORNIA |
| |) | FRIDAY, NOVEMBER 12, 2010 |

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TRANSCRIPT OF PROCEEDINGS

APPEARANCES:

FOR PLAINTIFFS:

BINGHAM MUCCUTCHEN LLP
THREE EMBARCADERO CENTER
SAN FRANCISCO, CALIFORNIA 94111-4607
BY: ZACHARY J. ALINDER,
HOLLY A. HOUSE,
GEOFFREY M. HOWARD,
DONN P. PICKETT, ATTORNEYS AT LAW

BOIES, SCHILLER & FLEXNER LLP
1999 HARRISON STREET, SUITE 900
OAKLAND, CALIFORNIA 94612
BY: DAVID BOIES,
STEVEN C. HOLTZMAN, ATTORNEYS AT LAW

(APPEARANCES CONTINUED NEXT PAGE)

REPORTED BY:

RAYNEE H. MERCADO, CSR NO. 8258
DIANE E. SKILLMAN, CSR NO. 4909

RAYNEE H. MERCADO, CSR, RMR, CRR, FCRR, CCRR (510) 451-7530

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Q. AND YOU SAY THAT IT'S APPROPRIATE TO USE THE GEORGIA PACIFIC ANALYSIS IN COPYRIGHT CASES, CORRECT?

A. WELL, WHAT I WOULD SAY IS THAT THE -- THE FACTORS THAT ARE IN GEORGIA PACIFIC CAN BE CONSIDERED IN A COPYRIGHT CASE. THEY'RE SORT OF BLENDED IN, BUT THEY CAN BE CONSIDERED INTO A COPYRIGHT CASE.

Q. WELL, YOU SAY THAT YOU'VE PERFORMED A GEORGIA PACIFIC ANALYSIS IN THIS COPYRIGHT CASE, CORRECT?

A. A GEORGIA PACIFIC-TYPE ANALYSIS. IT'S NOT EXACTLY THE SAME, BUT MANY OF THE SAME FACTORS.

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Q. NOW, WHAT YOU HAVE DONE IS TO TAKE A SERIES OF STATEMENTS ABOUT GOALS MIGHT BE SUBJECT TO CONVERSION AND THE LIKE AND TRANSFORM THOSE INTO THE TYPE OF EXPECTATION THAT YOU SAY A COMPANY WOULD BE WILLING TO PAY BILLIONS OF DOLLARS BASED ON, RIGHT?

1 **A.** THAT'S NOT CORRECT.

2 **Q.** BUT YOU HAVE TAKEN DOCUMENTS THAT SAY "GOAL" AND YOU'VE
3 PUT THAT UNDER YOUR HEADING CALLED "EXPECTATIONS" OR
4 "EXPECTED", RIGHT?

5 **A.** I HAVE DONE THAT, THAT'S CORRECT.

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