

# EXHIBIT 2

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ORACLE CORPORATION, a )  
Delaware corporation, )  
ORACLE USA, INC., a )  
Colorado corporation, and )  
ORACLE INTERNATIONAL )  
CORPORATION, a California )  
corporation, )  
 )  
Plaintiffs, )  
 )  
vs. ) No. 07-CV-1658 (PJH)  
 )  
SAP AG, a German )  
corporation, SAP AMERICA, )  
INC., a Delaware )  
corporation, TOMORROWNOW, )  
INC., a Texas corporation, )  
and DOES 1-50, inclusive, )  
 )  
Defendants. )  
\_\_\_\_\_ )

VIDEOTAPED DEPOSITION OF

PAUL K. MEYER

\_\_\_\_\_  
VOLUME 2; PAGES 332 - 647

THURSDAY, MAY 13, 2010

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

REPORTED BY: HOLLY THUMAN, CSR No. 6834, RMR, CRR

(1-427374)

TEXT REMOVED - NOT RELEVANT

09:14:56 4 Q. I want to go back to the discussion of the  
09:14:58 5 "but for" concept that we discussed yesterday.

09:15:04 6 You've developed a number which you  
09:15:08 7 contend are disgorgement damages. Correct?

09:15:16 8 A. Well, I'm not a lawyer, but from my  
09:15:18 9 perspective, I've been asked to quantify what I  
09:15:20 10 believe is called the infringer's profits. And I  
09:15:25 11 believe it's beyond sort of my expertise and  
09:15:28 12 training as to how they are categorized by the  
09:15:31 13 court, but I've been asked to calculate the  
09:15:33 14 infringer's profit, is what I've done. And I don't  
09:15:36 15 know how that's referred to by the court, but I  
09:15:38 16 would defer to the lawyers on that.

09:15:40 17 Q. So the infringer's profits that you're  
09:15:42 18 referring to is the 288-million-dollar number?

09:15:47 19 A. It would be the adjustments I've made to  
09:15:50 20 Mr. Clarke's adjustments that he made to the  
09:15:54 21 revenue figures that I put forward.

09:15:56 22 Q. The 288 million -- and it's 288 million  
09:16:00 23 dollars?

09:16:00 24 A. Approximately.

09:16:01 25 Q. Okay. So the 288 million dollars of

09:16:03 1 infringer's profits that you calculated, is it your  
09:16:06 2 position that but for the activities of  
09:16:10 3 TomorrowNow, SAP would not have received any of  
09:16:14 4 those profits?

09:16:20 5 A. It's my position that the 288 million  
09:16:25 6 dollars is a calculation of benefits that SAP has  
09:16:32 7 received for the alleged infringement. And from my  
09:16:38 8 perspective, I have looked at those customers and  
09:16:40 9 determined that the 288 million is a reasonable  
09:16:43 10 calculation of that value.

09:16:46 11 Q. I'm going to try the question again,  
09:16:48 12 Mr. Meyer. Please listen carefully:

09:16:51 13 Is it your position that but for the  
09:16:53 14 activities of TomorrowNow, SAP would not have  
09:16:57 15 received any of the profits included in your 288  
09:17:02 16 million dollar calculation of infringer's profits?

09:17:05 17 A. And how are you defining your "but for" in  
09:17:08 18 this question? But for what?

09:17:15 19 Q. But for the activities of TomorrowNow.

09:17:18 20 A. Okay. And that includes, as I understand  
09:17:20 21 it, their execution and -- planning and execution  
09:17:23 22 on the Safe Passage program. It's my opinion that  
09:17:27 23 the 288 million dollars is the infringer's profits  
09:17:30 24 from the infringement.

TEXT REMOVED - NOT RELEVANT

TEXT REMOVED - NOT RELEVANT

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I declare under penalty of perjury that  
the foregoing is true and correct. Subscribed at  
San Francisco, California, this 17 day of  
June, 2010.

Subject to the attached errata



PAUL K. MEYER

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CERTIFICATE OF REPORTER

I, HOLLY THUMAN, a Certified Shorthand Reporter, hereby certify that the witness in the foregoing deposition was by me duly sworn to tell the truth, the whole truth, and nothing but the truth in the within-entitled cause;

That said deposition was taken down in shorthand by me, a disinterested person, at the time and place therein state, and that the testimony of said witness was thereafter reduced to typewriting, by computer, under my direction and supervision;

That before completion of the deposition review of the transcript  was [ ] was not requested. If requested, any changes made by the deponent (and provided to the reporter) during the period allowed are appended hereto.

I further certify that I am not of counsel or attorney for either or any of the parties to the said deposition, nor in any way interested in the event of this cause, and that I am not related to any of the parties thereto.

DATED: May 25, 2010  
Holly Thuman  
HOLLY THUMAN, CSR