

# EXHIBIT 1

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 1; PAGES 1 - 331

WEDNESDAY, MAY 12, 2010

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

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

(1-427362)

TEXT REMOVED - NOT RELEVANT TO MOTION

11:29:42            7                      Q.    Okay.    So -- and let's take the first 7  
11:29:45            8                      customers.  
11:29:46            9                                           Please explain what adjustment you were  
11:29:48            10                     making in this document in line item no. 1 for  
11:29:53            11                     Cowlitz County.  
11:29:55            12                                          A.    Okay.    And can I ask one thing?  
11:29:57            13                                          Ms. Dean, can you provide me the Schedule  
11:30:00            14                     34.5.DU?  
11:30:56            15                                          Okay.    The -- for Cowlitz, there was a  
11:31:00            16                     declaration submitted by Kathy Sawyer on I believe  
11:31:06            17                     it was March 4th of 2010 that related to whether or  
11:31:11            18                     not they would have stayed with Oracle and been an  
11:31:14            19                     Oracle customer but for TomorrowNow.  
11:31:16            20                                          And so we are now taking -- taken Cowlitz  
11:31:21            21                     out of the lost profit analysis.  
11:31:24            22                                          Q.    And when you say you've take taken them  
11:31:26            23                     out of the lost profits analysis, that's a  
11:31:28            24                     reference to Cowlitz County.    Correct?  
11:31:30            25                                          A.    Yes.

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11:36:38            22                      Q. Let me stop you there, because I think  
11:36:39            23                      you're going a little bit beyond what I asked.  
11:36:41            24                      Is it correct that you've now removed  
11:36:44            25                      Cowlitz County as a customer from your damages

11:36:47 1 measurement altogether?

11:36:48 2 A. That's correct.

11:36:49 3 Q. Was that based on the declaration of Kathy

11:36:52 4 Sawyer dated March 4, 2010?

11:36:56 5 A. Yes, it would be.

11:36:57 6 Q. So you're not including them as a

11:37:00 7 component of the plaintiff's lost profits in this

11:37:05 8 case. Correct?

11:37:05 9 A. Well, based on the declaration and

11:37:07 10 paragraph 7 of that declaration that's in my work

11:37:09 11 papers, yes, we've taken them out of the damage

11:37:11 12 analysis.

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15:45:31 4 Q. Do you believe you're qualified to draw  
15:45:35 5 conclusions about what SAP thought from looking at  
15:45:40 6 the documents of SAP's internal deliberations?  
15:45:44 7 A. Those documents in combination with the  
15:45:47 8 testimony from people like Mr. Agassi that says he  
15:45:50 9 could have in his mind gotten more customers, I  
15:45:53 10 think that's what people like myself consider and  
15:45:55 11 come to these determinations.  
15:45:58 12 And I'll put that forward, and I'll let  
15:46:00 13 others in the record speak to the projections, but  
15:46:02 14 that's my perspective on it.

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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 19, 2010  
Holly Thuman  
HOLLY THUMAN, CSR