

EXHIBIT S

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 30(b)(6) DEPOSITION OF DEFENDANTS
SAP AG AND SAP AMERICA,
BY AND THROUGH ITS CORPORATE DESIGNEE
CHRISTOPHER FAYE

WEDNESDAY, MARCH 18, 2009

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY
REPORTED BY: HOLLY THUMAN, CSR No. 6834, RMR, CRR
(1-417606)

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11:28:02		11:30:50	
11:28:06		11:30:52	
11:28:08		11:30:53	
11:28:13		11:30:54	
11:28:17		11:30:58	
11:28:19		11:31:01	
11:28:25		11:31:04	
11:28:28		11:31:05	
11:28:31		11:31:10	9 Q. What were the difficulties in compliance?
11:28:33		11:31:15	10 A. I think they had issues with what I would
11:28:39		11:31:24	11 call scalability. That it is difficult to --
11:28:45		11:31:30	12 difficult to move from a -- providing support when
11:28:45		11:31:35	13 all of the environments are easily accessible at
11:28:48		11:31:39	14 your own location. And that becomes more difficult
11:28:49		11:31:42	15 to scale to when all those environments are
11:28:50		11:31:46	16 distributed at customer sites.
11:28:54		11:31:47	17 I don't know -- I'm not going to -- I'm
11:28:57		11:31:51	18 not -- it's not my area, but certainly there are
11:29:07		11:31:56	19 issues with access, and how do you -- how do you
11:29:08		11:32:00	20 service customers when you don't have access quite
11:29:11		11:32:04	21 as good as you could have had if the software was
11:29:14		11:32:08	22 running in a server that was readily accessible by
11:29:15		11:32:09	23 you.
11:29:19		11:32:12	
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11:29:39		11:32:42	
11:29:43		11:32:45	
11:29:45		11:32:46	
11:29:46		11:32:48	
11:29:51		11:32:50	
11:29:54		11:32:51	
11:30:00		11:32:55	
11:30:03		11:32:57	
11:30:05		11:32:58	
11:30:07		11:33:03	
11:30:09		11:33:06	
11:30:11		11:33:08	
11:30:15		11:33:09	
11:30:18		11:33:12	
11:30:22		11:33:15	
11:30:31		11:33:18	
11:30:39		11:33:20	
11:30:45		11:33:24	

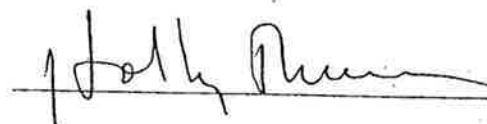
CERTIFICATE OF REPORTER

1 I, HOLLY THUMAN, a Certified Shorthand
2 Reporter, hereby certify that the witness in the
3 foregoing deposition was by me duly sworn to tell the
4 truth, the whole truth, and nothing but the truth in the
5 within-entitled cause; that said deposition was taken
6 down in shorthand by me, a disinterested person, at the
7 time and place therein stated, and that the testimony of
8 the said witness was thereafter reduced to typewriting,
9 by computer, under my direction and supervision;

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

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

21
22 DATED March 20, 2009

23
24 

25 HOLLY THUMAN, CSR No. 6834