

# **EXHIBIT Z**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

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ORACLE CORPORATION, a Delaware )  
Corporation, ORACLE USA, INC., )  
a Colorado corporation, and )  
ORACLE INTERNATIONAL )  
CORPORATION, a California )  
corporation, )

Plaintiffs, )

vs. )

No. 07-CV-01658  
(MJJ)

SAP AG, a German corporation, )  
SAP AMERICA, INC., a Delaware )  
corporation, TOMORROWNOW, INC., )  
a Texas corporation, and DOES )  
1 through 50, inclusive, )

Defendants. )

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

VIDEOTAPED DEPOSITION OF

JAMES MACKEY

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TUESDAY, JULY 15, 2008

REPORTED BY: DIANE M. WINTER, CSR NO. 3186 (410917)

<p style="text-align: right;">Page 318</p> <p>05:09:57  05:09:58  05:10:01  05:10:01  05:10:09  05:10:13  05:10:19  05:10:22  05:10:23  05:10:25  05:10:26  05:10:29  05:10:32  05:10:34  05:10:35  05:10:37  05:10:38  05:10:44  05:10:49  05:10:50  05:10:52  05:10:54  05:10:55  05:10:57  05:10:58</p>	<p style="text-align: right;">Page 320</p> <p>05:12:00  05:12:04  05:12:04  05:12:06  05:12:06  05:12:08  05:12:09  05:12:11  05:12:13  05:12:14  05:12:16  05:12:18  05:12:20  05:12:23  05:12:26  05:12:28  05:12:31  05:12:35  05:12:38  05:12:39  05:12:40  05:12:42  05:12:48  05:12:49  05:12:52</p>
<p style="text-align: right;">Page 319</p> <p>05:11:03  05:11:07  05:11:08  05:11:12     4     Q (BY MR. PICKETT) Mr. Shenkman testified --  05:11:16     5     this is at page 315 of his deposition, that  05:11:19     6     "maintenance revenues were not a driver of the  05:11:21     7     deal," meaning the TomorrowNow deal. He answered,  05:11:26     8     "That's correct." And the question, "The driver of  05:11:28     9     the deal was the opportunity to sell software  05:11:30    10     applications of SAP to these customers, correct?  05:11:33    11     Answer: Yes."  05:11:34    12             Would you agree that the driver of the deal  05:11:36    13     was the opportunity to sell software applications of  05:11:38    14     SAP to the PeopleSoft customers?  05:11:42    15             MR. McDONELL: Object to the form of the  05:11:43    16     question, it's argumentative.  05:11:46    17             THE WITNESS: Yes.  05:11:46  05:11:49  05:11:52  05:11:52  05:11:53  05:11:56  05:12:00  05:12:00</p>	<p style="text-align: right;">Page 321</p> <p>05:12:55  05:12:57  05:12:58  05:13:09  05:13:13  05:13:18  05:13:22  05:13:24  05:13:26  05:13:31  05:13:32  05:13:34  05:13:38  05:13:41  05:13:43  05:13:44  05:13:46  05:13:55  05:13:57  05:13:58  05:13:59  05:14:00  05:14:01  05:14:05  05:14:07</p>

CERTIFICATE OF REPORTER

I, DIANE M. WINTER, 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 stated, and that the testimony of the 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:

7/17/08



DIANE M. WINTER, CSR No. 3186