

EXHIBIT C

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
TIM CREAN

THURSDAY, FEBRUARY 19, 2009

HIGHLY CONFIDENTIAL

REPORTED BY: HOLLY THUMAN, CSR No. 6834, RMR, CRR
(1-416085)

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09:44:01		09:47:01	19 Q. Is there any relation between protection of
09:44:04		09:47:03	20 intellectual property and providing incentives for
09:44:12		09:47:09	21 innovation?
09:44:14		09:47:11	22 A. Yes.
09:44:21		09:47:11	23 Q. How would you describe that?
09:44:24		09:47:14	24 A. Well, the idea behind -- one idea behind
09:44:26		09:47:19	25 the intellectual property system, the patent system,
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09:44:31		09:47:22	1 I would say, in particular, is to provide an
09:44:32		09:47:27	2 incentive to give exclusive rights to the owner, and
09:44:33	3 Q. How does it add to the value of SAP?	09:47:32	3 by doing so, that provides an incentive for people
09:44:42	4 A. Well, the intellectual property rights	09:47:36	4 to invest in innovation.
09:44:46	5 allow -- give the owner of the intellectual property	09:47:40	5 Q. And benefit from those investments.
09:44:52	6 certain rights.	09:47:43	6 A. Yes.
09:44:56	7 Q. Which are valuable to the company?	09:47:47	
09:44:58	8 A. Which can be valuable to the company.	09:47:51	
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10:40:28	10:44:02		
10:40:30	10:44:03		
10:40:33	10:44:04	10	MR. PICKETT: Q. Does SAP allow its
10:40:37	10:44:05	11	software to be used by its customers for entities
10:40:40	10:44:09	12	other than the customer without restriction?
10:40:40	10:44:16	13	A. For entities other than the customer -- so
10:40:44	10:44:19	14	give me an example of that.
10:40:47	10:44:20	15	Q. Sure. I license SAP software, and I decide
10:41:23	10:44:24	16	I'm going to use it to support my brother's company
10:41:26	10:44:29	17	in Chicago.
10:41:36	10:44:32	18	A. No, I think as a general matter, SAP's
10:41:41	10:44:35	19	license would not allow you, as a licensee, to use
10:41:45	10:44:41	20	that in a productive use capacity to support your
10:41:53	10:44:46	21	brother's company in Chicago.
10:41:56	10:44:47	22	Q. And that's a standard provision that SAP
10:41:59	10:44:50	23	includes in its customers' licenses. True?
10:42:08	10:44:56	24	A. I think as a general matter, yes, that's in
10:42:10	10:44:59	25	our software license agreements.
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10:42:17	10:45:02	1	Q. Do your -- does SAP's software -- let me
10:42:27	10:45:06	2	rephrase that.
10:42:29	10:45:07	3	Do SAP's software agreements generally
10:42:29	10:45:12	4	restrict the use of its software in connection with
10:42:31	10:45:19	5	third-party service entities who may be hired by the
10:42:35	10:45:24	6	licensee?
10:42:39	10:45:38	7	A. Yes, I believe so.
10:42:45	10:45:40		
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CERTIFICATE OF REPORTER


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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 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 February 23, 2009.



HOLLY THUMAN, CSR No. 6834