

EXHIBIT EE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

ORACLE CORPORATION, a Delaware)
corporation, ORACLE USA, INC., a)
Colorado corporation, and ORACLE)
INTERNATIONAL CORPORATION,)
a California corporation,)
Plaintiffs,)
vs.) CASE NO. 07-CV-01658 (MJJ)
SAP AG, a German corporation,)
SAP AMERICA, INC., a Delaware)
corporation, TOMORROWNOW, INC., a)
Texas corporation, and DOES 1-50,)
inclusive,)
Defendants.)

"HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY"

ORAL VIDEOTAPED DEPOSITION

JOHN RITCHIE

DECEMBER 2, 2009

ORAL VIDEOTAPED DEPOSITION OF JOHN RITCHIE, produced as a witness at the instance of the Plaintiffs and duly sworn, was taken in the above-styled and numbered cause on the 2nd day of December, 2009, from 9:52 a.m. to 3:30 p.m., before Dana Richardson, Certified Shorthand Reporter in and for the State of Texas, reported by computerized stenotype machine at the Hilton Hotel & Conference Center, 801 University Drive East, College Station, Texas 77840, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record or attached hereto.

Job No. 1603-93483

JOHN RITCHIE December 2, 2009
HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

<p style="text-align: right;">Page 10</p> <p>09:57:08 09:57:10 09:57:13 09:57:14 09:57:18 09:57:21 09:57:22 09:57:26 09:57:30 09:57:33 09:57:38 09:57:40 09:57:40 09:57:48 09:57:50 09:57:50 09:57:53 09:57:53 09:58:00 09:58:08 09:58:13 09:58:18 09:58:22 09:58:24 09:58:28</p>	<p style="text-align: right;">Page 12</p> <p>10:00:00 10:00:02 10:00:07 10:00:11 10:00:14 10:00:20 10:00:24 10:00:27 10:00:32 10:00:33 10:00:33 10:00:34 10:00:39 10:00:46 10:00:52 10:00:55 10:00:57 10:01:02 10:01:04 10:01:09 10:01:10 10:01:10 10:01:13 10:01:14 10:01:17</p>
<p style="text-align: right;">Page 11</p> <p>09:58:32 09:58:34 09:58:39 09:58:41 09:58:44 09:58:51 09:58:57 09:59:00 09:59:06 09:59:08 09:59:11 09:59:14 09:59:18 09:59:20 09:59:24 09:59:25 09:59:27 09:59:30 09:59:33 09:59:36 09:59:40 09:59:43 09:59:47 09:59:51 09:59:56</p>	<p style="text-align: right;">Page 13</p> <p>10:01:22 10:01:23 10:01:26 10:01:28 10:01:29 5 Q. And did they give you any specifics about Titan other 10:01:32 6 than what you've already described? 10:01:33 7 A. No. They very much minimized what the application 10:01:36 8 was. From my understanding, it was a very lightweight app 10:01:40 9 that went and retrieved some certain things, equivalent to 10:01:43 10 what's called web scraping, where you get a few key details 10:01:48 11 from a website, that's it, very, you know, minimal. So, they 10:01:51 12 downplayed the actual program's ability until I became an 10:01:55 13 employee. 10:01:56 14 Q. And what did you find when you became an employee? 10:02:00 15 A. What I found when I became an employee is that it was 10:02:04 16 much more than a downloader. It actually was going to 10:02:07 17 Oracle's website and pulling down documents, what they called 10:02:10 18 artifacts. So, to me, that was a little bit more than just 10:02:13 19 web scraping. 10:02:15 10:02:18 10:02:23 10:02:24 10:02:30 10:02:34</p>

JOHN RITCHIE December 2, 2009
HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

<p style="text-align: right;">Page 30</p> <p>10:25:00 10:25:05 10:25:12 10:25:17 10:25:18 10:25:19 10:25:26 10:25:30 10:25:34 10:25:37 10:25:41 10:25:43 10:25:46 10:25:48 10:25:51 10:25:54 10:25:58 10:26:02 10:26:05 10:26:08 10:26:12 10:26:14 10:26:19 10:26:24 10:26:29</p>	<p style="text-align: right;">Page 32</p> <p>10:27:57 10:28:00 10:28:07 10:28:11 10:28:13 10:28:17 10:28:22 10:28:24 10:28:24 10:28:27 10:28:27 10:28:33 10:28:35 10:28:41 10:28:45 10:28:47 10:28:48 10:28:49 10:28:54 10:28:57 10:29:00 10:29:02 10:29:05 10:29:10 10:29:10</p>
<p style="text-align: right;">Page 31</p> <p>10:26:31 10:26:34 10:26:35 10:26:42 10:26:46 10:26:49 10:26:52 10:26:57 10:27:03 10:27:06 10:27:11 10:27:12 10:27:16 10:27:20 10:27:21 10:27:22 10:27:25 10:27:28 10:27:30 10:27:34 10:27:35 10:27:38 10:27:43 10:27:48 10:27:54</p>	<p style="text-align: right;">Page 33</p> <p>10:29:13 10:29:14 10:29:17 10:29:17 10:29:20 10:29:22 10:29:24 10:29:29 10:29:30 10:29:32 10:29:33 10:29:36 10:29:40 10:29:44 10:29:50 10:29:56 10:29:59 10:29:59 10:30:00 10:30:03 10:30:04 10:30:08 10:30:11 23 Q. In addition -- other than the terms of use and the -- 10:30:14 24 and the various copyright notices that you saw, was -- were 10:30:18 25 there any -- was there anything else that you encountered in</p>

JOHN RITCHIE December 2, 2009
HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Page 34		Page 36
10:30:19	1 the course of developing Titan or downloading from the Oracle	10:33:33
10:30:25	2 website that was a basis for the concerns you've described?	10:33:35
10:30:28	3 A. Yes. The other concern that I mentioned was that	10:33:43
10:30:32	4 since Titan was hammering their server so hard, downloading	10:33:43
10:30:38	5 thousands and thousands of documents, I could see how many	10:33:45
10:30:40	6 times the servers would crash by how many times my program had	10:33:51
10:30:44	7 to break the connection and then reestablish it, renavigate	10:33:54
10:30:47	8 back to where it was and pick up where it left off. And, so,	10:33:58
10:30:52	9 you know, if you want to really look at it that way, this, in	10:33:59
10:30:56	10 my mind, was equivalent to a -- what we call a	10:34:02
10:30:59	11 denial-of-service attack, you know, where you basically pound	10:34:06
10:31:03	12 on a server so hard that nobody can get through to it.	10:34:07
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10:31:36		10:34:34
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10:31:45		10:34:48
10:31:48		10:34:49
10:31:53		10:34:53
Page 35		Page 37
10:31:57		10:34:56
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10:32:07		10:35:03
10:32:11		10:35:06
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10:32:46		10:35:29
10:32:50		10:35:33
10:32:55		10:35:37
10:33:00		10:35:38
10:33:02		10:35:42
10:33:04		10:35:44
10:33:08		10:35:47
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10:33:21		10:36:00
10:33:29		10:36:02

10 (Pages 34 to 37)

1 STATE OF TEXAS
2 COUNTY OF HARRIS

3 REPORTER'S CERTIFICATE

4 I, Dana Richardson, a Certified Shorthand Reporter in and
5 for the State of Texas, do certify that this deposition
6 transcript is a true record of the testimony given by the
7 witness named herein, after said witness was duly sworn by me.
8 The witness was requested to review the deposition.

9 I further certify that I am neither attorney or counsel
10 for, related to, nor employed by any parties to the action in
11 which this testimony is taken and, further, that I am not a
12 relative or employee of any counsel employed by the parties
13 hereto or financially interested in the action.

14 I further certify that the amount of time used by each
15 party at the deposition is as follows:

16 Mr. Geoff Howard - 03:47

17 Mr. Greg Lanier - 00:56

18 SUBSCRIBED AND SWORN TO under my hand and seal of office
19 on this the 8 day of December,
20 2009.

21 Dana Richardson



22 Dana Richardson, CSR
23 Texas CSR 5386
24 Expiration: 12/31/11
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