## **EXHIBIT KK**

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA SAN FRANCISCO DIVISION

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

Plaintiffs,

VS

) Case No. ) 07-CV-01658 PJH (EDL)

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 MR. WERNER BRANDT VOLUME III REDACTED

> Tuesday, October 20, 2009 AT: 9:06 a.m.

> > Taken at:

Bingham McCutchen (London) LLP 41 Lothbury London, EC2R 7HF United Kingdom

Court Reporter: JUDITH WHITE

MERRILL CORPORATION

135 Main Street, 4th Floor Awa members com San Francisco, CA 94105

415.357.4300 Tel

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA Case #: 07-cv-01658-PJH PLNTF EXHIBIT NO. 4824 Date Admitted: 19/10

BY: 1/1 Nichole Heuerman, Deputy Clerk

## WERNER BRANDT October 20, 2009

09:09:19	1
09:09:21	2
09:09:32	3
09:09:34	REDACTED 4
09:09:37	5
09:09:41	6
09:09:43	
09:09:44	8
09:09:57	9
09:09:59	10 Q. At some point in time, a decision was made
09:10:02	11 to expand the Safe Passage program to Siebel customers;
09:10:07	12 correct?
09:10:21	13 A. That is correct.
09:10:21	14
09:10:35	15
09:10:36	16
09:10:45	17
09:10:52	REDACTED .
09:11:02	19
09:11:05	20
09:11:34	21
09:11:37	22
09:11:41	23
09:11:48	24
09:11:50	25

448

## WERNER BRANDT October 20, 2009

09:12:05	1	
09:12:09	2	
09:12:31	3	
09:12:34	4	REDACTED
09:12:40	5	
09:12:41	6	Q. Did Oracle's acquisition of Siepel in any
09:12:44	7	way influence the decision to expand the Safe Passage
09:12:46	8	program to Siebel?
09:13:08	9	A. Basically, yes.
09:13:11	10	
09:13:14	11	
09:13:42	12	
09:13:47	13	
09:13:50	14	REDACTED
09:13:52	15	
09:13:55	16	
09:13:59	17	
09:14:03	18	
09:14:39	19	
09:14:43	20	
09:14:45	21	
09:14:51	22	
09:14:53	23	
09:14:57	24	ust
09:15:00	25	

449

## REPORTER'S CERTIFICATE

I, Judith White, of Merrill Legal Solutions
Pty Limited, do hereby certify that the foregoing
testimony was recorded by me stenographically and
thereafter transcribed by me, and that the foregoing
transcript constitutes a full, true and accurate record
of said examination of and testimony given by said
witness, and of all other proceedings had during the
taking of said deposition, and of the whole thereof, to
the best of my ability.

I further certify that I am not a relative, employee or counsel of any of the parties of the within cause, nor am I an employee or relative of any counsel for the parties, nor am I in any way interested in the outcome of the within cause.

Signed

(Judith White)

\_\_\_\_\_\_ Dated 10/26/09