

EXHIBIT 10

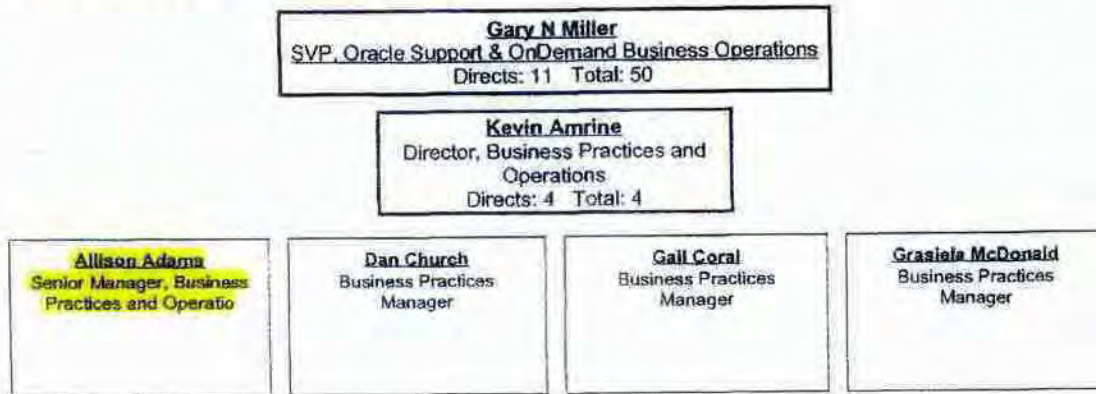
**Foundation for
A-6042-1**

Defendants' Trial Exhibit A-6042-1 – Foundational Support

- ORCL00034303 (Oracle organizational chart identifying Allison Adams as an Oracle Senior Manager, Business Practices and Operations)
- Jones Apr. 24, 2009 Depo. Tr. 58:6-10, 58:12-17 (indicating that Allison Adams works for OSSINFO)
- Rottler May 13, 2009 Depo Tr. at 25:6-14, 25:16-25 (describing OSSINFO and identifying Gary Miller as Oracle's head of business operations, who heads up OSSINFO and reports to Juergen Rottler)
- Jones Apr. 24, 2009 Depo Tr. at 40:17-41:6, 41:20-42:2 (describing Oracle's senior approval process known as OSSINFO)
- Rottler May 13, 2009 Depo Tr. at 31:8-33:17 (describing Oracle's approval process, including Juan Jones' responsibilities and OSSINFO)
- Jones Apr. 24, 2009 Depo. Tr. 29:12-17 (indicating that Jones had responsibility for Oracle's support sales renewal function from at least 2005 to 2009)
- Jones Video Depo. Tr. at 21:24-22:5 (indicating that Jones reported directly to Juergen Rottler, Oracle's Executive Vice President, Oracle Customer Services, from at least 2005 to 2009)
- Jones Apr. 24, 2009 Depo. Tr. at 43:7-17 (indicating that Jones must approve pricing decisions that deviate from existing contract terms)
- Rottler May 13, 2009 Depo Tr. at 22:5-21 (describing generally Oracle's approval process)
- Blotner July 23, 2008 Depo. Tr. 98:7-99:3 (Rule 30(b)(6) testimony stating that Juan Jones "runs support for North America")
- Cummins Sept. 16, 2008 Depo. Tr. 34:5-22, 24-25 (Rule 30(b)(6) testimony indicating that support renewal/sales representatives report to regional managers and associated job responsibilities)
- Duggan Aug. 7, 2009 Depo. Tr. 23:16-24 (Rule 30(b)(6) testimony identifying duties of support sales representatives with regard to communications with Oracle customers)
- Feb. 23, 2010 Oracle Expert Report of Paul Meyer (redacted excerpt) (identifying Juergen Rottler as Oracle Executive Vice President, Customer Services, Gary Miller as Oracle Head of Global Business Operations, Oracle Customer Support, and Juan Jones as Oracle Senior Vice President, Customer Services, North America Support)

- ORCL00039277 (Oracle production document identifying Betsey Steelman as Oracle Support Services employee in 2005, located at ORCL00039277)
- ORCL00653682 (Oracle production document identifying Allison Adams as Business Planning Manager, Oracle Support Services in 2005)

ORACLE Aria People Search



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

---oOo---

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.
_____ /

Deposition of
JUAN C. JONES

Friday, April 24, 2009

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

REPORTED BY: JOHN WISSENBACH, RMR, CRR, CBC,
CLR, CSR 6862 01-418986

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10:25:03 1 A. Well, it appears that the -- that approvals
10:25:08 2 were sent up the -- the license sales organization,
10:25:20 3 and that in that approval process, a request came to
10:25:26 4 me to -- to approve the term that they were seeking
10:25:39 5 to put together in the -- in the transaction.

10:25:42 6 Q. If you refer to the first page of Exhibit
10:25:51 7 360, you'll see the email from Allison at OSS --
10:25:58 8 OSSINFO, at the very top.

10:26:01 9 A. Uh-huh.

10:26:01 10 Q. Is Allison a person who works in OSSINFO?

10:26:06 11 MS. HOUSE: Calls for speculation.

10:26:12 12 THE WITNESS: I don't know if she currently
10:26:13 13 is, but she once did.

10:26:14 14 BY MR. McDONELL:

10:26:14 15 Q. And what's her name?

10:26:20 16 A. I think her name's Allison Adams, but I'm
10:26:24 17 not sure.

10:26:29 18 Q. Can you tell from the review of the email
10:26:31 19 what the actual financial effect on Oracle was of
10:26:38 20 the exception approval you granted?

10:26:40 21 MS. HOUSE: Objection; overbroad.

10:26:41 22 BY MR. McDONELL:

10:26:42 23 Q. In other words, was it a -- the dollar
10:26:46 24 effect of that flatlining.

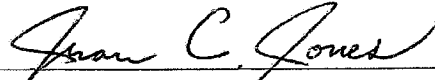
10:26:49 25 MS. HOUSE: Objection; overbroad, lacks

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4:49 p.m.)

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I declare under penalty of perjury that the foregoing is true and correct. Subscribed at Pleasanton, California, this 15th day of May, 2009.



Signature of the witness

Merrill Legal Solutions



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To assist you in making changes and /or corrections to your deposition testimony, please follow the directions below. If additional pages are necessary, please furnish them and attach the pages to the back of the errata sheet.

Please read your transcript carefully. If you find any errors or changes you wish to make, insert the changes and/or corrections on the errata sheet by listing the page and the line number reference and then the change you wish to make.

Please do not make any changes and /or corrections on the face of the transcript.

Please do NOT change any of the questions.

After completing your review, please sign the last page of the errata sheet, above the designated "Signature" line and return the Errata sheets to Merrill Legal Solutions at 135 Main Street, 4th Floor, San Francisco, CA 94105 or fax them to (415) 357.4301.

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____ Subject to the above changes, I certify that the transcript is true and correct.

No changes have been made. I certify that the transcript is true and correct.

John C. Jones
(signature)

5/15/09
(date)

1 CERTIFICATE OF REPORTER

2 I, JOHN WISSENBACH, a Certified Shorthand
3 Reporter, hereby certify that the witness in the
4 foregoing deposition was by me duly sworn to tell
5 the truth, the whole truth, and nothing but the
6 truth in the within-entitled cause;

7 That said deposition was taken down in
8 shorthand by me, a disinterested person, at the time
9 and place therein stated, and that the testimony of
10 the said witness was thereafter reduced to
11 typewriting, by computer, under my direction and
12 supervision;

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

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

23 DATED: 4/26/09

24
25 JOHN WISSENBACH, CSR No. 6862

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
JUERGEN ROTTLER

WEDNESDAY, MAY 13, 2009

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

REPORTED BY: HOLLY THUMAN, CSR No. 6834, RMR, CRR

(1-417821)

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10:22:14 1 exist as the Lifetime Support policy, which was
10:22:18 2 established in late 2002. Before that, it would
10:22:22 3 have had different names, most likely something
10:22:24 4 related to support price list or something like
10:22:27 5 that.

10:22:28 6 MR. McDONELL: Q. Are you familiar with an
10:22:29 7 organization known as OSSINFO within Oracle?

10:22:32 8 A. It reports to me, yes.

10:22:34 9 Q. And what is your understanding of the
10:22:35 10 nature of that organization?

10:22:37 11 A. They're the keepers and the enforcers of
10:22:40 12 our pricing policies.

10:22:44 13 Q. Is there an individual who heads up OSSINFO
10:22:49 14 that reports to you?

10:22:50 15 MS. HOUSE: Vague as to time.

10:22:52 16 THE WITNESS: The -- there's a group which
10:22:54 17 reports to my head of business operations, yes.

10:22:58 18 MR. McDONELL: Q. And who's the head of
10:22:59 19 business operations?

10:23:01 20 A. Gary Miller.

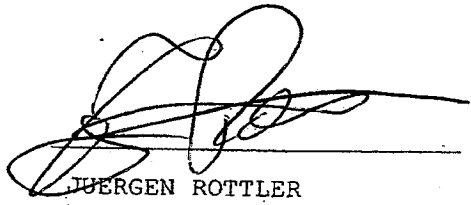
10:23:02 21 Q. So OSSINFO is a group of individuals that
10:23:05 22 report to Gary Miller?

10:23:08 23 A. Yeah.

10:23:08 24 Q. And Mr. Miller reports to you?

10:23:09 25 A. Yeah.

18:29:26 1 Q. The opposite could be companies going the
18:29:28 2 other direction to SAP.
18:29:29 3 A. Yeah.
18:29:31 4 MR. McDONELL: Counsel, I have nothing
18:29:32 5 further now, but I am reserving rights to not have
18:29:37 6 this deposition concluded. I think there's some
18:29:40 7 real document concerns but I'll reserve rights.
18:29:42 8 MS. HOUSE: And we'll reserve ours.
18:29:45 9 MR. McDONELL: Okay.
18:29:45 10 MS. HOUSE: Okay, thank you.
18:29:47 11 MR. McDONELL: No questions?
18:29:48 12 MS. HOUSE: No questions.
18:29:49 13 THE VIDEO OPERATOR: This is the end of
18:29:50 14 Volume 1, Videotape No. 4 in the deposition of
18:29:52 15 Juergen Rottler. We're going off the record. The
18:29:54 16 time is 6:29.
18:29:58 17 (Time noted, 6:29 p.m.)
18:30:04 18 --oOo--
18:30:04 19 I declare under penalty of perjury that
18:30:04 20 the foregoing is true and correct. Subscribed at
18:30:04 21 Saratoga, California, this 22 day of
18:30:04 22 June 2009.
18:30:04 23
18:30:04 24
18:30:04 25



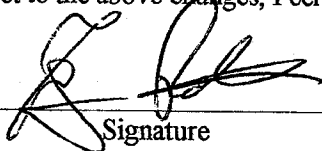
JUERGEN ROTTLER

Errata Sheet

Deposition of Juergen Rotther, May 13, 2009

<u>Page</u>	<u>Line</u>	<u>Change</u>	<u>Reason</u>
17	8	Change "Ed" to "Ann"	Correction
17	13	Change "Lou" to "Lew"	Correction
37	20	Change "Oracle" to "PeopleSoft"	Clarification
38	21	Delete "Check."	Clarification
44	24	Delete "Is"	Clarification
70	2	Change "higher" to "lower"	Clarification
72	9	Change "acquisitions" to "application"	Correction
91	10	Change "net" to "list"	Clarification
91	15	Change "net" to "list"	Clarification
94	23	Change "a" to "and"	Correction
102	3	Change "conventions" to "convictions"	Correction
104	6	Change "consents" to "concerns"	Correction
105	6	Change "factual" to "factually"	Clarification
108	8	Change "infiltration" to "inflation"	Correction
115	21	Change "would" to "had"	Clarification
119	1	Delete "will"	Clarification
149	22	Change "roles" to "rolls"	Correction
155	5	Change "Louise" to "Luiz"	Correction
182	18	Change "settle" to "set"	Correction
219	20	Change "that Customer" to "netCustomer"	Correction
246	20	Change "by" to "with"	Clarification
248	17	Change "Matson" to "Madsen"	Correction
250	1	Delete "area"	Correction
259	8	Change "contract" to "what our contract"	Clarification
284	25	Change "Matson" to "Madsen"	Correction
286	14	Change "doesn't" to "didn't"	Correction
294	3	Change "above" to "within"	Clarification

Subject to the above changes, I certify that the transcript is true and correct.



Signature

6/29/2009
date

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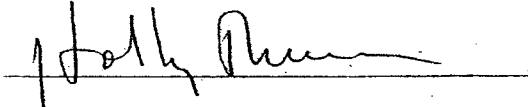
CERTIFICATE OF REPORTER

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 [x] 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 May 19th, 2009


HOLLY THUMAN, CSR No. 6834

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-1658 (PJH)

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

Defendants.

Deposition of

JUAN C. JONES

Friday, April 24, 2009

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

REPORTED BY: JOHN WISSENBACH, RMR, CRR, CBC,
CLR, CSR 6862 01-418986

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09:57:20 1 we basically share with the customer the extent to
09:57:23 2 how they're using it, and if their systems are
09:57:26 3 available and they're running and they're not having
09:57:28 4 a lot of issues, then the customer's usually pleased
09:57:32 5 with that, actually.

09:57:33 6 BY MR. McDONELL:

09:57:33 7 Q. Does the report cover a period of time or
09:57:39 8 multiple periods of time? So, for example, when you
09:57:42 9 run a report, can you request that it be done for
09:57:45 10 the last year or the life of the customer, or how
09:57:48 11 does that work?

09:57:49 12 A. I don't know the total length of time that
09:57:54 13 the report is available for, from a -- for example,
09:57:57 14 a history perspective. But it's -- you can run it
09:57:59 15 for a time increment. Typically we run it for a
09:58:04 16 year.

09:58:12 17 Q. Are you familiar with OSSINFO, or
09:58:21 18 "OSSINFO"? How do you refer to that?

09:58:23 19 A. OSSINFO.

09:58:25 20 Q. Okay. And tell us your understanding of
09:58:28 21 OSSINFO.

09:58:32 22 A. It's -- OSSINFO is part of our approval
09:58:35 23 process. And it's, you know, representative of
09:58:41 24 our -- our senior approval in the approval chain.

09:58:46 25 Q. What is it? Is it a group of people?

09:58:53 1 A. OSSINFO includes -- I believe it's --
09:59:00 2 it's -- it's a group of people, led by an
09:59:05 3 individual, that reviews all of our -- you know, our
09:59:08 4 exception approvals for consistency and to ensure
09:59:13 5 that we're complying with standard business -- our
09:59:19 6 business practices.

09:59:19 7 Q. Do you know who's currently in charge of
09:59:22 8 OSSINFO today?

09:59:24 9 A. Kevin Amrine.

09:59:32 10 Q. Do you know what HQApps is?

09:59:35 11 A. It's also a -- an approval process. And as
09:59:44 12 part of that approval-off process, there's a
09:59:47 13 collection of, I believe, individuals that work on
09:59:50 14 those approvals.

09:59:52 15 Q. Who is in charge of HQApps today?

09:59:55 16 MS. HOUSE: Calls for speculation.

09:59:57 17 THE WITNESS: Yeah, I'm not sure who's in
09:59:59 18 charge of it directly.

10:00:01 19 BY MR. McDONELL:

10:00:01 20 Q. Okay. To what extent in your work do you
10:00:05 21 interact with OSSINFO?

10:00:10 22 A. I interact with OSSINFO on a fairly regular
10:00:13 23 basis.

10:00:13 24 Q. In what ways?

10:00:17 25 A. I send approvals to OSSINFO. I have

10:00:22 1 discussions with them about those approvals in the

10:00:26 2 process. Mostly in those ways.

10:00:31 3 Q. And in what way -- do you interact with
10:00:33 4 HQApps in your work?

10:00:39 5 A. Not directly, usually, per se; usually
10:00:42 6 through OSSINFO.

10:00:44 7 Q. You've described both OSSINFO and HQApps as
10:00:49 8 part of an approval process. What is the difference
10:00:52 9 between the two functions?

10:00:56 10 A. I'm not intimate enough with the functions
10:01:00 11 to describe their differences in detail, but I would
10:01:04 12 say that it is the level of approval. OSSINFO is up
10:01:10 13 through Juergen Rottler, and HQApps is the
10:01:17 14 senior-most approval authority, as I understand it.

10:01:19 15 Q. So HQApps is even more senior than up to
10:01:22 16 Mr. Rottler?

10:01:23 17 A. Yes.

10:01:24 18 Q. So it's basically the most senior executive
10:01:29 19 management gets involved at that level?

10:01:31 20 A. Yes.

10:01:31 21 Q. And that's Mr. Ellison, Mr. Phillips, and
10:01:34 22 Ms. Catz?

10:01:34 23 A. Well, I don't know if it's them directly,
10:01:36 24 but it's the senior-most approval.

10:01:44 25 Q. What governs when a pricing decision gets

1 4:49 p.m.)

2 ---o0o---

3 I declare under penalty of perjury that the

4 foregoing is true and correct. Subscribed at

5 Pleasanton, California, this 15th day of

6 May, 2009.

7

8 Juan C. Jones

9 Signature of the witness

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No changes have been made. I certify that the transcript is true and correct.

Juan C. Jones
(signature)

5/15/09
(date)

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CERTIFICATE OF REPORTER

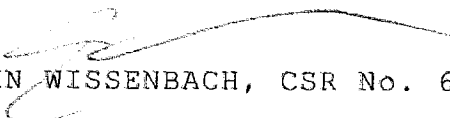
I, JOHN WISSENBACH, a Certified Shorthand Reporter, hereby certify that the witness in the foregoing deposition was by me duly sworn to tell the truth, the whole truth, and nothing but the truth in the within-entitled cause;

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 [X] 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: 4/26/09


JOHN WISSENBACH, CSR No. 6862

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
JUERGEN ROTTLER

WEDNESDAY, MAY 13, 2009

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY
REPORTED BY: HOLLY THUMAN, CSR No. 6834, RMR, CRR
(1-417821)

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10:29:24 1 A. No, ultimately because they would be used
10:29:27 2 to help guide our own teams as they make requests,
10:29:31 3 and help avoid requests ever coming into OSSINFO
10:29:37 4 that would -- we would not even consider.

10:29:40 5 So they're help -- they're intended to
10:29:44 6 narrow -- to set boundaries within which, you know,
10:29:47 7 requests would even come up.

10:29:49 8 Q. Can you take me through the steps that are
10:29:54 9 followed when a customer requests, for example, that
10:29:56 10 an inflationary uplift be waived for the coming
10:30:01 11 year?

10:30:02 12 Does it start at the AE level?

10:30:06 13 A. What's an AE, please?

10:30:07 14 Q. An account executive?

10:30:08 15 A. Yeah, it would start typically as an
10:30:10 16 account executive, sales rep level. They would be
10:30:13 17 required to submit the business case.

10:30:16 18 Q. To whom?

10:30:17 19 A. To -- typically, first of all, their
10:30:21 20 manager, to even see if that manager would support
10:30:24 21 it.

10:30:24 22 Q. Okay. And that's to a regional sales
10:30:26 23 manager?

10:30:26 24 A. Yes.

10:30:27 25 Q. And what is the next step?

10:30:28 1 A. Then the next step would be that if it's
10:30:30 2 deemed worth a review by OSSINFO, which is generally
10:30:36 3 highly discouraged, if it makes that hurdle, then
10:30:41 4 OSSINFO would get involved and start to ask
10:30:43 5 additional questions to be able to present a
10:30:46 6 business case.

10:30:48 7 Q. And how does -- how does OSSINFO's role
10:30:52 8 there relate kind of in the hierarchy to someone
10:30:56 9 like a Rick Cummins?

10:31:00 10 A. They would be -- OSSINFO basically is a
10:31:06 11 service/gatekeeper function that has an
10:31:10 12 administrative approval ability but can't do a final
10:31:16 13 approval.

10:31:16 14 So they become -- they're part consultant,
10:31:20 15 part keeper of the process.

10:31:22 16 Q. So let's say OSSINFO decides there's some
10:31:27 17 merit to the business case. What happens next?

10:31:30 18 A. That business case then gets presented to
10:31:32 19 the regional head of the customer services
10:31:36 20 organization.

10:31:37 21 Q. And the example I just gave, that would be
10:31:39 22 Mr. Cummins?

10:31:40 23 A. No. Mr. Cummins works within that
10:31:42 24 organization. He has responsibility for one
10:31:47 25 specific part of the business as a sales leader.

10:31:49 1 Q. So it would go to Mr. Jones?

10:31:50 2 A. Mr. Jones, yes.

10:31:51 3 Q. Juan Jones?

10:31:52 4 A. Juan Jones. And Mr. Jones would review it

10:31:54 5 and Mr. Miller would review it.

10:31:56 6 If they both approve it, it would come to

10:31:59 7 me for final approval. Every single exception that

10:32:02 8 they personally approve, and it has to be personally

10:32:05 9 approved by them, then gets reviewed by me and

10:32:08 10 either approved or rejected.

10:32:10 11 Q. And why does Mr. Miller get involved if

10:32:13 12 this really is a request on the support side?

10:32:15 13 A. Because Mr. Miller is the head of business

10:32:17 14 operations for all of the customer services

10:32:20 15 businesses. So I hold him accountable for the

10:32:24 16 strict implementation and adherence to our

10:32:27 17 processes, particularly the pricing processes.

10:33:00 18 (Deposition Exhibit 440 was marked for

10:33:02 19 identification.)

10:33:06 20 MR. McDONELL: Q. I'm showing you,

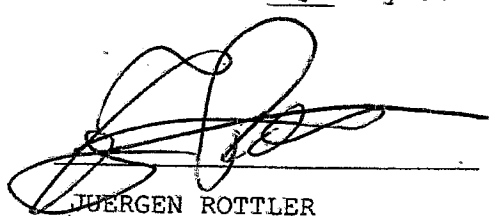
10:33:07 21 Mr. Rottler, what's been marked as Exhibit 440.

10:33:11 22 You'll note that many of the documents I will show

10:33:14 23 you today have kind of document control numbers in

10:33:17 24 the lower right-hand corners. Those are put on just

10:33:20 25 to keep track of documents during court cases like

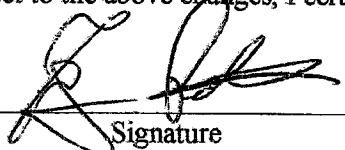
18:29:26 1 Q. The opposite could be companies going the
18:29:28 2 other direction to SAP.
18:29:29 3 A. Yeah.
18:29:31 4 MR. McDONELL: Counsel, I have nothing
18:29:32 5 further now, but I am reserving rights to not have
18:29:37 6 this deposition concluded. I think there's some
18:29:40 7 real document concerns but I'll reserve rights.
18:29:42 8 MS. HOUSE: And we'll reserve ours.
18:29:45 9 MR. McDONELL: Okay.
18:29:45 10 MS. HOUSE: Okay, thank you.
18:29:47 11 MR. McDONELL: No questions?
18:29:48 12 MS. HOUSE: No questions.
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18:29:52 15 Juergen Rottler. We're going off the record. The
18:29:54 16 time is 6:29.
18:29:58 17 (Time noted, 6:29 p.m.)
18:30:04 18 --o0o--
18:30:04 19 I declare under penalty of perjury that
18:30:04 20 the foregoing is true and correct. Subscribed at
18:30:04 21 Saratoga, California, this 28 day of
18:30:04 22 June 2009.
18:30:04 23
18:30:04 24
18:30:04 25 
JUERGEN ROTTLER

Errata Sheet

Deposition of Juergen Rotther, May 13, 2009

<u>Page</u>	<u>Line</u>	<u>Change</u>	<u>Reason</u>
17	8	Change "Ed" to "Ann"	Correction
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286	14	Change "doesn't" to "didn't"	Correction
294	3	Change "above" to "within"	Clarification

Subject to the above changes, I certify that the transcript is true and correct.



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date

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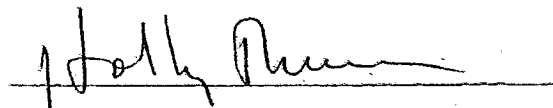
CERTIFICATE OF REPORTER

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 [x] 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 May 19th, 2009



HOLLY THUMAN, CSR No. 6834

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

---o0o---

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.
_____ /

Deposition of

JUAN C. JONES

Friday, April 24, 2009

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

REPORTED BY: JOHN WISSENBACH, RMR, CRR, CBC,
CLR, CSR 6862 01-418986

Merrill Legal Solutions
(800) 869-9132

09:42:20 1 Q. How long have you had responsibility for
09:42:23 2 that team?

09:42:27 3 A. That team I believe has been formed within
09:42:32 4 the past fiscal year, so maybe around a year, I
09:42:38 5 would say.

09:42:38 6 Q. As part of that team, are you responsible
09:42:41 7 for evaluating the PeopleSoft, slash, JD Edwards
09:42:49 8 acquisition results?

09:42:50 9 A. As part of that team, we look at those
09:42:52 10 results, yes, as it relates to the support services
09:43:00 11 metrics.

09:43:01 12 Q. For how long have you had responsibility
09:43:07 13 for the support renewal sales function?

09:43:14 14 A. I would say for -- for approximately four
09:43:18 15 years now.

09:43:18 16 Q. So back to approximately 2005?

09:43:23 17 A. Somewhere around there, yes.

09:43:25 18 Q. Can you place it in time with respect to
09:43:28 19 the PeopleSoft acquisition? It sounds like it was
09:43:32 20 about that same time?

09:43:35 21 A. I think right -- I think maybe six months
09:43:43 22 thereafter, or something like that.

09:43:51 23 Q. Do you have responsibility for pricing
09:44:03 24 decisions in connection with support renewal sales?

09:44:10 25 MS. HOUSE: Objection; vague.

1 4:49 p.m.)

2

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3

I declare under penalty of perjury that the

4

foregoing is true and correct. Subscribed at

5

Pleasanton, California, this 15th day of

6

May, 2009.

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Juan C. Jones

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Signature of the witness

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_____ Subject to the above changes, I certify that the transcript is true and correct.

No changes have been made. I certify that the transcript is true and correct.


(signature)

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(date)

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CERTIFICATE OF REPORTER

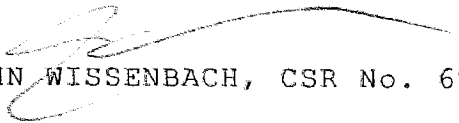
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DATED: 4/26/09


JOHN WISSENBACH, CSR No. 6862

Jones DA PC on 11-14 FINAL

Scene	Designation	Source	Tx Duration	Elapsed	Remains
1	20:3-20:6	Jones, Juan 2009-04-24	00:00:11	00:00:00	00:46:09
		20:3 Q. What -- what precisely is your job title			
		20:4 today?			
		20:5 A. Today my job title is senior vice			
		20:6 president, customer services, North America support.			
2	21:24-22:5	Jones, Juan 2009-04-24	00:00:17	00:00:11	00:45:58
		21:24 Q. So today you report directly to Juergen			
		21:25 Rottler?			
		22:1 A. That is correct.			
		22:2 Q. How long -- how long have you reported to			
		22:3 Mr. Rottler?			
		22:4 A. I've reported to Juergen Rottler			
		22:5 approximately four and half years, maybe.			
3	24:10-24:18	Jones, Juan 2009-04-24	00:00:40	00:00:28	00:45:41
		24:10 Q. Can you tell me in a little more detail			
		24:11 what your current job responsibilities are today?			
		24:12 A. Okay. My current job responsibilities			
		24:13 today are to lead the support renewal sales team for			
		24:14 North America and also to lead the customer services			
		24:15 management team for North America. Those are			
		24:16 predominantly my functions. I also have a small			
		24:17 group that does acquisition, customer success, makes			
		24:18 sure those things are going well.			
4	25:3-25:20	Jones, Juan 2009-04-24	00:01:07	00:01:08	00:45:01
		25:3 Q. Can you tell me a little bit more			
		25:4 specifically, then, what you do in connection with			
		25:5 the support renewal sales function?			
		25:6 A. Okay. I ensure we -- I'm responsible for			
		25:7 the renewal of our support maintenance contracts			
		25:8 with our -- across our customer base. You know, I			
		25:9 get involved in conversations with customers			
		25:10 directly in support of my team when it is			
		25:11 appropriate for me to do so.			
		25:12 I also spend a lot of time talking to			
		25:13 customers to ensure that they are receiving all of			
		25:14 the value of support, all of the service elements			
		25:15 that we have in our service offer, and ensure			
		25:16 they're realizing that value. I also spend time			
		25:17 talking to customers about issues or incidents they			
		25:18 may have, working on plans to provide remediation			
		25:19 for those or working on plans to be proactive to			

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-1658 (PJH)

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

Defendants.

Deposition of

JUAN C. JONES

Friday, April 24, 2009

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

REPORTED BY: JOHN WISSENBACH, RMR, CRR, CBC,
CLR, CSR 6862 01-418986

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(800) 869-9132

10:01:49 1 escalated to HQApps?

10:01:54 2 MS. HOUSE: Calls for speculation.

10:01:56 3 THE WITNESS: I'm not really sure, because

10:01:58 4 I'm not intimate with that piece of the approval

10:02:01 5 process.

10:02:02 6 BY MR. McDONELL:

10:02:02 7 Q. Does -- does every pricing decision that's

10:02:07 8 an exception from the existing contract that's being

10:02:11 9 renewed have to get approved by you?

10:02:30 10 A. I believe the answer is yes.

10:02:32 11 Q. And is there a process for documenting your

10:02:35 12 approvals?

10:02:38 13 A. My approvals come through my email account.

10:02:42 14 Q. So the requests come to you by email,

10:02:44 15 typically, and your decisions on the requests are

10:02:47 16 communicated by email as well?

10:02:48 17 A. Yes.

10:02:59 18 Q. Do you interact with OSSINFO in connection

10:03:05 19 with every decision you make on an exception

10:03:07 20 request?

10:03:19 21 A. I don't know that I do it on every request,

10:03:22 22 because I do have authority for approval of some

10:03:26 23 things, in terms of like billing, billing in

10:03:37 24 advance. So I can't say every.

10:03:43 25 Q. What decisions do you have authority to

1 4:49 p.m.)

2

---o0o---

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I declare under penalty of perjury that the

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foregoing is true and correct. Subscribed at

5

Pleasanton, California, this 15th day of

6

May, 2009.

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Signature of the witness

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James C. Jones
(signature)

5/15/09
(date)

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CERTIFICATE OF REPORTER

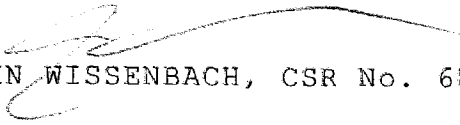
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UNITED STATES DISTRICT COURT
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SAN FRANCISCO DIVISION

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corporation, and ORACLE)
INTERNATIONAL CORPORATION, a)
California corporation,)
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Plaintiffs,)
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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
JUERGEN ROTTLER

WEDNESDAY, MAY 13, 2009

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

REPORTED BY: HOLLY THUMAN, CSR No. 6834, RMR, CRR
(1-417821)

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(800) 869-9132

10:18:17 1 like performing valuations of target companies to be
10:18:21 2 acquired, like PeopleSoft, that group would be
10:18:24 3 responsible for that?

10:18:26 4 A. I believe so.

10:18:41 5 Q. During your time at Oracle, Mr. Rottler,
10:18:45 6 have you had responsibility for making decisions
10:18:51 7 about changing pricing on support services for
10:18:56 8 existing customers?

10:18:58 9 A. Yes.

10:18:59 10 Q. And just to be clear, what I'm talking
10:19:02 11 about is, let's say Oracle has an existing software
10:19:06 12 customer that's also getting support, and the
10:19:08 13 customer wants to renegotiate their service
10:19:13 14 contract. Do you get involved in that?

10:19:15 15 A. Yes.

10:19:17 16 Q. Procedurally, how does that work? At what
10:19:19 17 level do you get involved in the process?

10:19:21 18 A. I get involved as the final approver before
10:19:24 19 it goes to -- as the final approval within the
10:19:27 20 services business. After that, it goes to approval
10:19:32 21 to Larry/Safra.

10:19:38 22 Q. Does all repricing of that nature have to
10:19:41 23 go through you?

10:19:42 24 A. Yes.

10:19:44 25 Q. Can you --

18:29:26 1 Q. The opposite could be companies going the
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18:29:29 3 A. Yeah.

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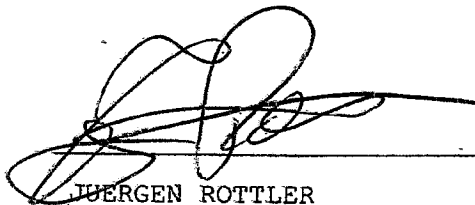
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18:30:04 22 June 2009.

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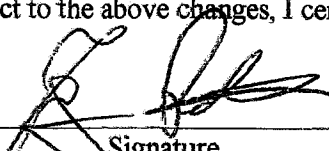
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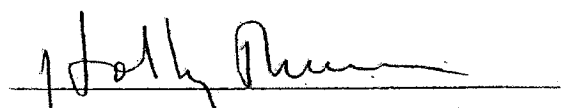
CERTIFICATE OF REPORTER

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 [X] 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 May 19th, 2009



HOLLY THUMAN, CSR No. 6834

RICHARD BLOTNER

July 23, 2008

HIGHLY CONFIDENTIAL

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

--oOo--

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.)

DEPOSITION OF
RICHARD BLOTNER

Wednesday, July 23, 2008

CONTAINS HIGHLY CONFIDENTIAL MATERIAL

REPORTED BY: CYNTHIA A. PACINI, CSR #6117, RMR, CRR

(01-411414)

Merrill Legal Solutions
(800) 869-9132

fa6333c2-5247-4156-8fef-c02a2d623366

1 them.

2 Q. I won't ask any questions about him then.

3 A. Technology anyway, so it doesn't matter.

4 So I -- his group went through 262.

5 Screven's group keeps going through 266 actually.

6 34266.

7 Q. Okay.

8 A. And 267, this is part of our corporate
9 organization, Larry Ellison's direct reports. So
10 Charles Phillips, for example, reports to him. And
11 the next page -- next two pages, 34268, 69, Safra
12 Catz's organization, they are non-sales related.
13 She's also our CFO. Various internal support
14 organizations.

15 And then on 34270, we have Charles
16 Phillips who is our president and manages all the
17 sales organizations globally for Oracle.

18 Q. Okay.

19 A. And then 271, Juergen Rottler and Juan
20 Jones report -- this is our support organization.
21 So I guess the official title that we talked about
22 earlier is Oracle customer services. I was saying
23 Oracle support before. Juan Jones runs support for
24 North America and the other individuals who are
25 labeled Latin America, EMEA, and I don't know if

1 there's one on here for Asia Pacific or not. But
2 the support renewals organization reports to Juan
3 Jones.

4 Q. For North America?

5 A. For North America. Might have -- in fact,
6 he might have global support renewals.

7 Q. Juan Jones?

8 A. Juan Jones, yeah. The next page goes back
9 to Edwards Screven who we already discussed, more
10 development-oriented, and 34273, John Wookey is in
11 transition out of Oracle.

12 Then we have 274, we hit the technology
13 development organization with Charles Rozwat. The
14 next page, 275, is our applications development
15 organization, Ed Abbo. As you can see, he has 6,211
16 people. They all didn't fit on the page. And the
17 following page, 276, is a breakout of Doris Wong who
18 works for Ed Abbo, and 277, further, 278.

19 Q. Let me just stop you first of all at
20 34276. There are a number of people listed on this
21 page as -- with titles relating to product strategy.
22 Is that a sales-related function?

23 A. No.

24 Q. What kind of function is that?

25 A. These are in the development organization.

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I declare under penalty of perjury that
the foregoing is true and correct. Subscribed at
SAN FRANCISCO, California, this 23 day
of July 2008.



RICHARD BLOTNER

Merrill Legal Solutions



INSTRUCTIONS FOR READING/CORRECTING YOUR DEPOSITION

To assist you in making corrections to your deposition testimony, please follow the directions below. If additional pages are necessary, please furnish them and attach the pages to the back of the errata sheet.

This is the final version of your deposition transcript.

Please read it carefully. If you find any errors or changes you wish to make, insert the corrections on the errata sheet beside the page and line numbers.

If you are in possession of the original transcript, do NOT make any changes directly on the transcript.

Do NOT change any of the questions.

After completing your review, please sign the last page of the errata sheet, above the designated "Signature" line and return the transcript to your attorney.

ERRATA SHEET

Page Line

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[A large handwritten mark, possibly a signature or initials, is written across the right side of the form, extending from the top right towards the bottom right.]

Page Line

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RB

_____ Subject to the above changes, I certify that the transcript is true and correct.

No changes have been made. I certify that the transcript is true and correct.

Richard Hite
(signature)

8/19/08
(date)

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CERTIFICATE OF REPORTER

I, CYNTHIA A. PACINI, 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: 8/5/08

Cynthia A. Pacini
CYNTHIA A. PACINI, CSR No. 6117

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

--00o--

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

Plaintiffs,

Vs. 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 RULE 30(b)(6) DEPOSITION OF

ORACLE CORPORATION

Designee: RICHARD CUMMINS

Tuesday, September 16, 2008

Volume I, Pages 1 - 255

HIGHLY CONFIDENTIAL INFORMATION - ATTORNEYS' EYES ONLY

Reported By: WENDY E. ARLEN, CSR #4355, CRR, RMR
Job 412495

Merrill Legal Solutions
(800) 869-9132

1 likely ways for customers to return to Oracle from
2 TomorrowNow is through some kind of relationship with
3 either a license rep or a support rep, correct?

09:44

4 A. Correct.

5 Q. Then how does that relate to you? How do you
6 get in the loop?

7 A. The license reps report up to me through a
8 regional manager, and so -- did I say the license
9 rep?

09:44

10 Q. You did.

11 A. I meant support reps. I apologize. So the
12 support reps report up to a regional manager to me.
13 And so if the customer is trying to come back, a
14 support rep understands how to bring a customer back
15 onto support. If there are issues with bringing them
16 back or if they're trying to structure something
17 that's out of -- outside of their parameters of what
18 they can do, then -- then I will get involved.

09:45

19 Q. Is there -- is there any other group other
20 than the group that reports up through you that would
21 be responsible for trying to make new license sales
22 to returning customers?

09:45

23 MS. HOUSE: Objection, vague.

09:45

24 THE WITNESS: Other than the stuff I already
25 mentioned, I don't believe so.

1 MR. McDONELL: Counsel, I'm going to then
 2 break for the day. See you next week. Thank you,
 3 sir.

17:01

4 VIDEOGRAPHER: This marks the end of
 5 videotape number four in the deposition of Richard
 6 Cummins. Going off the record, the time is 5:02.

7 --o0o--

8 (Whereupon, the deposition was adjourned at
 9 5:02 p.m.)

10 --o0o--

11

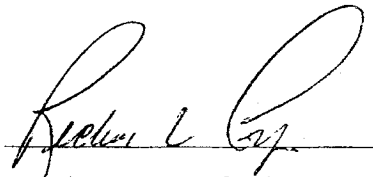
12 I declare under penalty of perjury that
 13 the foregoing is true and correct. Subscribed at
 14 Denver, Colorado, California, this 15th day of
 15 October, 2008.

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Signature of Witness

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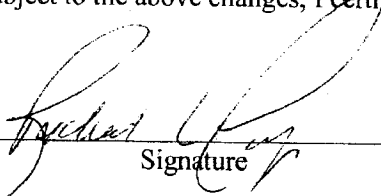
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Errata Sheet

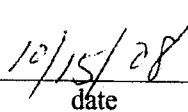
Deposition of Rick Cummins, September 16, 2008

<u>Page</u>	<u>Line</u>	<u>Change</u>	<u>Reason</u>
41	21-22	Change "Juan's responsibility is service delivery manager." to "Juan is responsible for service delivery managers."	Clarification
124	14	Change "No, I haven't talked to customers." to "No, I haven't talked to hundreds of customers about TomorrowNow."	Clarification
151	1	Change "less" to "more"	Correction
174	23	Change "welcome" to "Oracle"	Correction
176	4	Change "Hutton" to "Hunt"	Correction
207	9	Change "McGee" to "Murquia"	Correction
219	22	Change "were new" to "renew"	Correction
232	4	Change "or doesn't" to "does or doesn't"	Correction
245	14	Change "IP" to "IT"	Correction

Subject to the above changes, I certify that the transcript is true and correct.



Signature



date

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CERTIFICATE OF REPORTER

I, WENDY E. ARLEN, 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: October 2nd, 2008

Wendy E Arlen
WENDY E. ARLEN CSR, No. 4355

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

--oOo--

ORACLE CORPORATION, a)
Delaware corporation, ORACLE)
USA, INC., a Colorado)
corporation, and ORACLE)
INTERNATIONAL CORPORATION, a)
California corporation,)
)
Plaintiffs,)
)
vs.) 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 PAUL DUGGAN

August 7, 2009

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

REPORTED BY: SARAH LUCIA BRANN, CSR 3887 (#421893)

Merrill Legal Solutions
(800) 869-9132

09:49:05 1 Q. Can you describe the methodology in
09:49:06 2 creating one of those forecasts?

09:49:07 3 MR. ALINDER: Objection. Vague and
09:49:13 4 ambiguous.

09:49:15 5 THE WITNESS: Can you clarify that?

09:49:16 6 MR. DELAHUNTY: Q. How do the managers
09:49:20 7 and support service representatives create one of
09:49:25 8 these forecasts that you refer to?


09:49:29 9 A. The representatives will track the
09:49:34 10 forecasting close date and likelihood in terms of a
09:49:38 11 percentage in the OKS system, which is the system we
09:49:45 12 use to track our support renewals. And there are
09:49:47 13 typically verbal conversations between the reps and
09:49:50 14 the managers and the directors, based on roll-up of
09:50:03 15 those numbers in our standard reporting.

09:50:04 16 Q. How do those individuals who are
09:50:06 17 responsible for those forecasts or creating the
09:50:09 18 forecasts determine the likelihood of closing a
09:50:12 19 sale?

09:50:14 20 A. The support sales representative, and in
09:50:19 21 some cases the manager, would be in constant contact
09:50:21 22 with that customer and tracking the sales cycle,
09:50:25 23 from quotation, to communications with the customer,
09:50:31 24 to eventually getting a purchase order.

25 Q. Is a record created of those

11:34:57
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1 (Whereupon, the deposition was
2 concluded at 11:24 a.m.)
3 --oOo--
4 I declare under penalty of perjury the
5 foregoing is true and correct. Subscribed at
6 SAN FRANCISCO, California, this 7 day
7 of AUGUST, 2009.
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9 Paul Duggan
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Merrill Legal Solutions



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To assist you in making changes and /or corrections to your deposition testimony, please follow the directions below. If additional pages are necessary, please furnish them and attach the pages to the back of the errata sheet.

Please read your transcript carefully. If you find any errors or changes you wish to make, insert the changes and/or corrections on the errata sheet by listing the page and the line number reference and then the change you wish to make.

Please do not make any changes and /or corrections on the face of the transcript.

Please do NOT change any of the questions.

After completing your review, please sign the last page of the errata sheet, above the designated "Signature" line and return the Errata sheets to Merrill Legal Solutions at 135 Main Street, 4th Floor, San Francisco, CA 94105 or fax them to (415) 357.4301.

ERRATA SHEET

Page Line

25 7

Change: 'INTERNET' → 'INTRANET'

Reason: CLARIFY THIS IS INTERNAL SITE

26 12

Change: 'AVERAGE' → 'AT-RISK'

Reason: TYPO

36 22

Change: 'JUNE 1st, 2003' → 'JUNE 1st, 2008'

Reason: TYPO

Page Line

44 4

Change: 'IRISH' → 'AT RISK'

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44 13

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X Subject to the above changes, I certify that the transcript is true and correct.

_____ No changes have been made. I certify that the transcript is true and correct.



(signature)

8/31/09

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CERTIFICATE OF REPORTER

I, SARAH LUCIA BRANN, 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;

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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: August 13, 2009.

Sarah Lucia Brann

SARAH LUCIA BRANN, CSR No. 3887

ORACLE USA, INC., ET AL

V.

SAP AG, ET AL

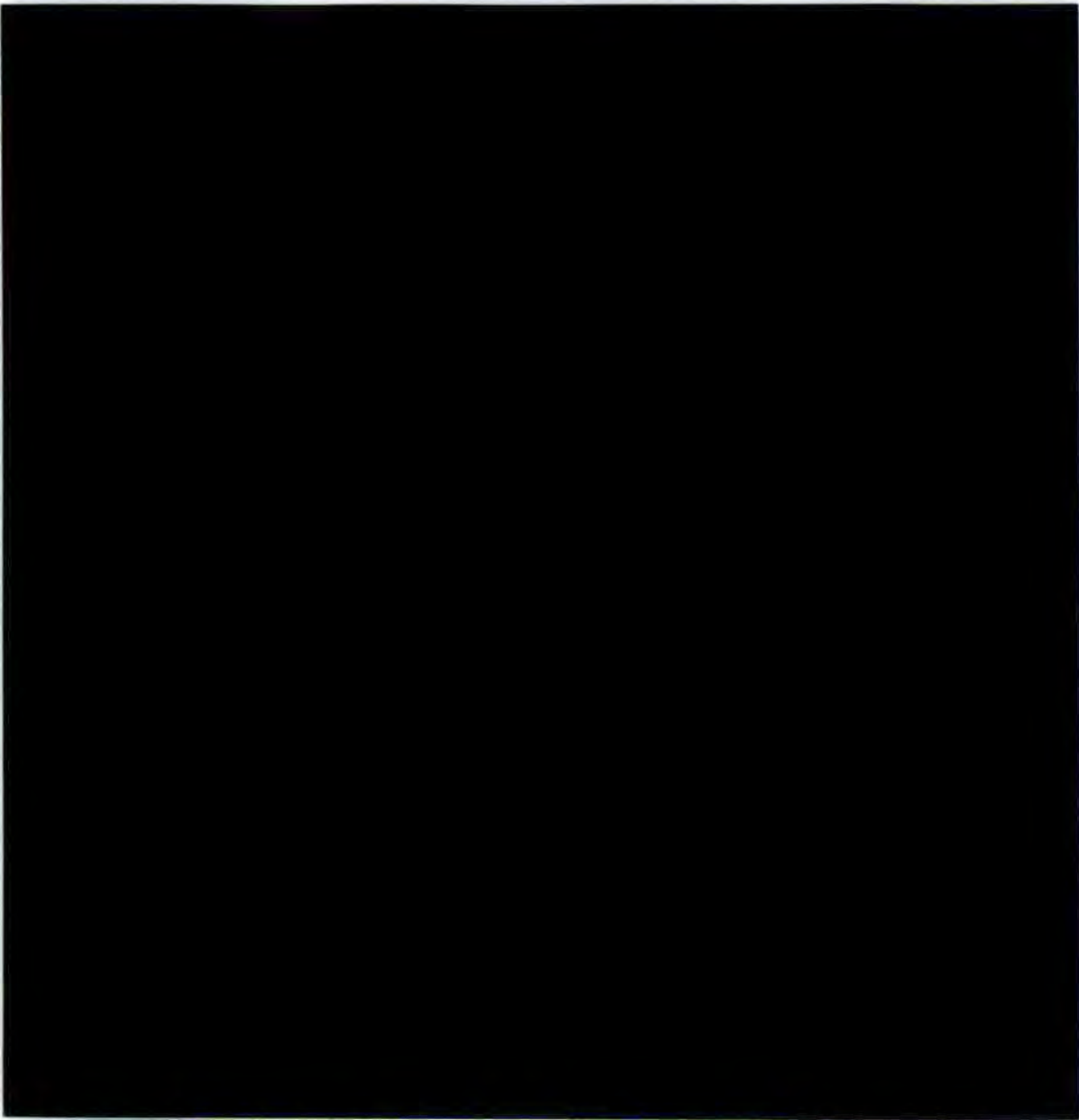
CASE NO. 07-CV-01658

SUPPLEMENTAL EXPERT REPORT OF PAUL K. MEYER

TM FINANCIAL FORENSICS, LLC.

FEBRUARY 23, 2010


PAUL K. MEYER



Juergen Rottler (Oracle Executive Vice President, Customer Services)

Gary Miller (Oracle Head of Global Business Operations, Oracle Customer Services).

Juan Jones (Oracle Senior Vice President, Customer Services, North America Support),

ORACLE

25-Oct-05

Margaret Canon*
FedEx Corporation
60 FedEx Parkway, 2nd Floor-V
COLLIERVILLE
TN 38017
United States

Re: Service Renewal # P-04-11888-000-11

Dear Margaret Canon*,

Please find attached a quotation for the above service renewal. The technical support services and benefits you are receiving will expire, or have expired, on 22-Dec-05. This quotation is provided pursuant to the terms and conditions of the valid license agreement that you executed when you acquired technical support from Oracle, formerly known as PeopleSoft, for the licenses referenced on the above service renewal; your service order under this quotation is subject to Oracle's acceptance.

In order to complete this service renewal and to ensure that there is no interruption to your technical support, please accept this service renewal in accordance with the attached Acceptance Details on or before 15-Nov-05. Once ordered, technical support for the support period defined below is non-cancelable and the related fees are non-refundable. If the pre-tax value of this renewal is \$2000 or less, pre-payment in the form of a check or credit card must be received. Purchase orders are not accepted for these transactions. An invoice, including applicable sales tax, GST, or VAT (collectively referred to as "Tax"), will only be issued upon receipt of acceptance. If your company is tax exempt, a copy of your tax exemption certificate (specifying Oracle USA, Inc. as vendor) must be included with your purchase order or other form of payment.

Oracle's technical support policies govern the terms of your technical support and are subject to change in accordance with its terms. The most current technical support policies, including Oracle's Reinstatement Policy, can be found on the web at <http://www.oracle.com/support/policies.html>. Customers who allow technical support to lapse and later wish to reactivate it will be subject to Oracle's then current Reinstatement Policy. Applicable reinstatement fees may apply in addition to the annual technical support fees.

Oracle provides information and notices about technical support via e-mail. Accordingly, it is important that you provide updated e-mail information with your order to ensure that you receive all communication and notices from us.

I would like to take this opportunity to thank you for your continued business. If you require further information, please do not hesitate to contact me at your earliest convenience.

Regards,

Betsy Steelman
Oracle Support Services
E-mail: betsy.steelman@oracle.com
Tel.: 303-334-2647
Fax: 719-757-4279



Oracle Service Renewal

Quotation Date: 25-Oct-05

Margaret Canon*
FedEx Corporation
60 FedEx Parkway, 2nd Floor-V
COLLIERVILLE
TN 38017
United States

Tel.: 901 263-5174
Fax:
E-mail: mbcanon@fedex.com

THIS QUOTATION IS VALID THROUGH 15-Nov-05.

PLEASE DO NOT CHANGE ANY OF THE INFORMATION BELOW WHEN SUBMITTING YOUR SERVICE RENEWAL. ORDERS IN WHICH THE SERVICE DETAILS HAVE BEEN CHANGED ARE NOT VALID AND YOUR ORDER WILL NOT BE PROCESSED. If a change to the information provided below is required, please contact me and an updated service renewal quote will be provided to you in accordance with Oracle's technical support policies located at http://www.oracle.com/support/policies.html

Service Level: Software Update License & Support End Date: 22-Dec-06

Table with 4 columns: Product Description - License Metric, CSI #, Qty, Start Date. Rows include various Oracle products like PeopleSoft Enterprise eBill Payment, HCM Warehouse, Financials Warehouse, Billing, Planning And Budgeting, Business Planning, Catalog Management, HCM Expansion, Fms Expansion, Scm Expansion, and PeopleSoft Enterprise EPM Portal Pack.

ORACLE

Total Amount: USD 270,000.00

Plus Applicable Tax

Page 3 of 6

Contract Number: P-04-11888-000--11

Highly Confidential Information - Attorneys' Eyes Only

ORCL00039279

ORACLE

Acceptance Details

Oracle processes service renewal orders after receipt of a purchase order or other acceptable form of payment such as a check or credit card for the total fees specified on the Oracle Service Renewal.

PURCHASE ORDER, CHECK, CREDIT CARD CONFIRMATION

Purchase Order

If accepting your service renewal by Purchase Order, your Purchase Order must include the following:

Service Renewal #: P-04-11888-000--11
Term of Service: 23-Dec-05 to 22-Dec-06
Local Tax, if applicable

The terms of your agreement with Oracle, formerly known as Peoplesoft, and this order supersede the terms of a Purchase Order.

Please e-mail or fax your Purchase Order to:

Attn: Betsy Steelman
Oracle Support Services
Fax: 719-757-4279
E-mail: betsy.steelman@oracle.com
Customer: FedEx Corporation
From: Margaret Canon*

Check

If accepting your service renewal by Check, please include the following information:

Service Renewal #: P-04-11888-000--11
Term of Service: 23-Dec-05 to 22-Dec-06
Local Tax, if applicable

Credit Card

If accepting your service renewal by Credit Card, please complete the sections below and fax this information to:

Attn: Betsy Steelman
Oracle Support Services
Fax: 719-757-4279
E-mail: betsy.steelman@oracle.com
Customer: FedEx Corporation
From: Margaret Canon*

ORACLE

Credit Card Number

Expiration Date

Authorized Signature

Print Name

PAYMENT TERMS

Payment Terms for all fees payable to Oracle are 30 NET and will be invoiced annually in advance.

ADDITIONAL ORACLE TERMS

There are no additional terms.

ORACLE

Customer Details

Please verify and update the following information to enable us to provide an efficient and timely service to your company. If changes are required, please e-mail or fax the updated information to:

Attention: Betsy Steelman
Oracle Support Services
E-mail: betsy.steelman@oracle.com
Fax: 719-757-4279
Tel.: 303-334-2647

Company Name: FedEx Corporation
Service Renewal #: P-04-11888-000-11

For Quotation

Contact: Margaret Canon*
Company: FedEx Corporation
Address: 60 FedEx Parkway, 2nd Floor-V
COLLIERVILLE
TN 38017
United States

Tel.: 901 263-5174
Fax:
E-mail: mbcanon@fedex.com

For Invoice

Contact: Scott Struminger
Company: FedEx Corporation
Address: 60 FedEx Parkway

COLLIERVILLE
TN 38017-9647
United States

Tel.: -901/486-0905
Fax:
E-mail:

From: OSSINFO- Allison [ossinfo_us_appr@oracle.com]
Sent: Wednesday, February 23, 2005 1:31 PM
To: NASUPPINFO_US; Chris Madsen; Taylor, Jason; Hutchins, Debra; Rogers, Gretchen; Ambre, Eileen
Subject: Executive Summary for Honeywell
Attachments: Executive Summary for Honeywell]]]]

Executive Summary
for Honeywell...

The attached request for a bill to and ship to in Canada is approved by
OSSINFO.

As noted below, please ensure we are quoting in US \$ and apply US adjustments/taxing/etc.

—
Regards,

Allison Adams

Business Planning Manager
Oracle Support Services

(phone&fax) 732-726-2429