

EXHIBIT 18

**Foundation for
A-5058**

Defendants' Trial Exhibit A-5058 – Foundational Support

- Cummins Sept. 16, 2008 Depo. Tr. 126:10-19 (Rule 30(b)(6) testimony identifying Lori Sanabria as working in Oracle's support sales group)
- Lyskawa May 6, 2009 Depo. Tr. 108:25-109:2 (identifying Lori Sanabria as working in Oracle's support sales group)
- Ransom Sept. 26, 2008 Depo. Tr. 28:4-21 (Rule 30(b)(6) testimony identifying Carlos Barradas as the director of critical accounts and describing Oracle's critical accounts team)
- Duggan Aug. 7, 2009 Depo. Tr. 18:1-23 (Rule 30(b)(6) testimony describing responsibilities of support sales representatives)
- 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)
- ORCL00012545 (Oracle production document identifying Lori Sanabria as Oracle support sales representative in 2006, located at ORCL00012545)

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 Q. And what was that structure?

2 A. You know, as I said before, it was reps that
3 were from each of my regional teams and then Rob
12:18 4 was -- Rob Lachs was a person that headed up that
5 team.

6 Q. So how many people? You mean four people?

7 A. I think it was six or seven. I can look at
8 my notes here. One, two, three, four, five, six,
12:18 9 plus Rob. So that was the initial group.

10 Q. You're referring to your notes in Exhibit 42?

11 A. Yes.

12 Q. Can you tell me who those individuals are?

13 A. Sure.

12:18 14 Q. We've talked about some of them.

15 A. Yeah, John Canonaco and Dan Rogers were both
16 part of Rob's team at that point. Brenda Hutchinson
17 and Lori Sanabria were part of one of the other
18 regional teams. These people were all part of one
12:18 19 regional team or another. So they were all reps.

20 Q. So there were no marketing people that were
21 members of the SWAT team.

22 A. No.

23 Q. Did the membership of the team change over
12:19 24 time?

25 A. I don't believe it did.

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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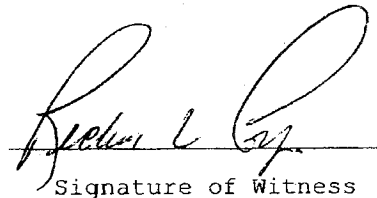
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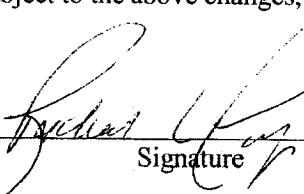
Signature of Witness

Errata Sheet

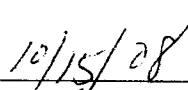
Deposition of Rick Cummins, September 16, 2008

<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



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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

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
NANCY ANN LYSKAWA

WEDNESDAY, MAY 6, 2009

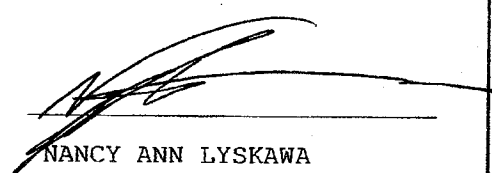
HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

REPORTED BY: HOLLY THUMAN, CSR No. 6834, RMR, CRR
(1-418130)

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12:20:41 1 MS. HOUSE: Asked and answered.
12:20:44 2 THE WITNESS: She worked on my team.
12:20:47 3 MR. COWAN: Q. Okay.
12:20:47 4 A. Not at that point in time, but -- at this
12:20:51 5 time, she was -- she worked in support delivery.
12:20:57 6 Q. Oh, I must have misspelled her name before.
12:21:00 7 No, I got it down. Just didn't remember it.
12:21:11 8 Go to page 10 of Exhibit 420. The fourth
12:21:20 9 through seventh entries there, in March of '07, do
12:21:24 10 you recall consulting with Oracle counsel regarding
12:21:27 11 this litigation in March of '07?
12:21:31 12 A. No, I do not recall any conversations on
12:21:35 13 that.
12:21:36 14 Q. Who is Mitchell Nitzan?
12:21:38 15 A. He was our Analyst Relations contact for
12:21:41 16 services at that time.
12:21:43 17 Q. An Oracle employee?
12:21:43 18 A. An Oracle employee.
12:21:55 19 Q. Is Bernice Wong a different person than May
12:21:58 20 Wong?
12:21:59 21 A. It is a different person.
12:22:00 22 Q. And who is that?
12:22:03 23 A. She worked for me at PeopleSoft. She was
12:22:05 24 never an Oracle employee.
12:22:18 25 Q. How about Lori Sanabria?

12:22:22 1 A. Yeah, Lori Sanabria. She was a support
12:22:26 2 sales manager with Oracle.
12:22:27 3 Q. Deanna Jacoby?
12:22:29 4 A. She's also a support sales manager.
12:22:50 5 Q. Nanette McFerran? I'm looking at page 13,
12:22:56 6 fourth entry from the bottom.
12:22:59 7 A. I do not know that name.
12:23:07 8 Q. Page 14, fifth entry from the bottom, and
12:23:09 9 under author, Lily Teng?
12:23:16 10 A. Lily was -- she was the head of finance for
12:23:19 11 the support organization at PeopleSoft.
12:23:26 12 Q. Page 16, first entry, Pat Smith?
12:23:35 13 A. That was another person in Analyst
12:23:38 14 Relations at PeopleSoft.
12:23:40 15 Q. Page 16, same page, the last entry, Susan
12:23:44 16 Hewitt?
12:23:46 17 A. I don't recall that name.
12:24:18 18 Q. At the time they copied the files off your
12:24:22 19 laptop, your electronic files, and you provided hard
12:24:25 20 copy documents to counsel, did you still have access
12:24:29 21 to your PeopleSoft email?
12:24:32 22 A. No, I did not.
12:24:43 23 Q. And you don't recall the month or year when
12:24:46 24 your files were copied?
12:24:49 25 A. I do not.

17:05:10 1 Q. -- documents?
17:05:12 2 MS. HOUSE: Lacks foundation.
17:05:13 3 THE WITNESS: No, I'm not.
17:05:20 4 MR. COWAN: I think that's all the
17:05:21 5 questions we have for the moment.
17:05:24 6 MS. HOUSE: Forever. Say bye. All right.
17:05:30 7 MR. COWAN: Are we done? Do you have any?
17:05:32 8 MS. HOUSE: No.
17:05:33 9 MR. COWAN: You're done. Go.
17:05:35 10 THE VIDEO OPERATOR: This marks the end of
17:05:37 11 Videotape No. 4 in the deposition of Nancy Lyskawa.
17:05:41 12 Going off the record, the time now is 5:05.
17:05:44 13 (Time noted, 5:05 p.m.)
17:09:16 14
17:09:16 15 --o0o--
17:09:16 16 I declare under penalty of perjury that
17:09:16 17 the foregoing is true and correct. Subscribed at
17:09:16 18 _____, California, this 11 day of
17:09:16 19 June 2009.
17:09:16 20
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17:09:16 22 NANCY ANN LYSKAWA
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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

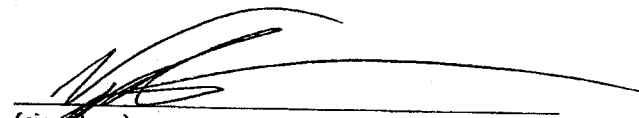
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_____ Subject to the above changes, I certify that the transcript is true and correct.

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



(signature)

6/11/09

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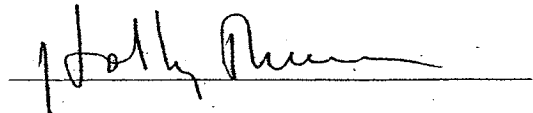
CERTIFICATE OF REPORTER

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 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 11, 2009


HOLLY THUMAN, CSR No. 6834

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: BUFFY B. RANSOM

Friday, September 26, 2008

HIGHLY CONFIDENTIAL INFORMATION - ATTORNEYS' EYES ONLY

Reported By: WENDY E. ARLEN, CSR #4355, CRR, RMR
Job 413275

Merrill Legal Solutions
(800) 869-9132

1 Q. What's the next item on Exhibit 83?
2 A. Spoke with Carlos Barradas from critical
3 accounts.
09:28 4 Q. Who is Carlos Barradas?
5 A. He's director of critical accounts.
6 Q. What are critical accounts?
7 A. Critical accounts is a team with the support
8 organization that provides management of escalated
09:28 9 customers.
10 Q. And what's an escalated customer?
11 A. A customer that is at risk of an
12 implementation go live or has threatened litigation.
13 Q. What is a risk of implementation go live?
09:29 14 A. So if a customer is implementing our
15 software, they are in a testing phase. They have
16 found issues, whether it's a training issue,
17 consulting issues, set-up issues, bug type issues.
18 They have reported those issues to us, and those
09:29 19 issues will not be fixed in time for them to make
20 their go live date when they move into production for
21 their software.
22 Q. What's the purpose of tracking that
23 information?
09:29 24 A. It enables us from a support delivery -- so
25 speaking from my team -- from a support delivery

Errata Sheet

Deposition of Buffy Ransom, September 26, 2008

<u>Page</u>	<u>Line</u>	<u>Change</u>	<u>Reason</u>
37	12	Change "Geoff" to "Jeff"	Correction
47	15	Change "John" to "Jon"	Correction
59	20	Change "Siebelito" to "Siebel"	Correction
73	6	Change "Green" to "Grieb"	Correction
82	17	Change "if he has a name of an - -" to "what company name he has."	Clarification
84	14	Change "CHM" to "CRM"	Correction
85	23	Change "Shawn" to "Sean"	Correction
85	24	Change "Shawn" to "Sean"	Correction
162	7	Change "John" to "Jon"	Correction
228	17	Change "dac is the customer sat dac" to "deck is the customer sat deck"	Correction

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

Buffy Ransom
Signature

10/29/08
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.

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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: 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

09:29:47 1 Q. Okay. If we could turn back to what is --
09:29:50 2 what we will refer to as page two of your notes,
09:29:56 3 which at the top says fiscal year '07, June 1, 2006.
09:29:58 4 If we could start with the line that says "13
09:30:03 5 Support Sales Representatives," can you describe the
09:30:05 6 responsibilities of a support sales representative
09:30:07 7 of the Siebel product line?

09:30:10 8 A. Sure. A support sales representative is
09:30:14 9 responsible for a number of customers that would be
09:30:18 10 renewing support annually. That support sales
09:30:20 11 representative is responsible for sending a
09:30:23 12 quotation to that customer for renewal support,
09:30:29 13 typically 30 to 60 days in advance at that time.
09:30:32 14 That support sales representative would then follow
09:30:34 15 up with the customer to obtain a purchase order, and
09:30:38 16 then book that renewal in the system and move on to
09:30:43 17 other customers.

09:30:45 18 Q. So when you indicate that they are
09:30:48 19 responsible for renewals, are you referring to the
09:30:53 20 same division that's within Oracle in terms of sales
09:30:54 21 application software?

09:30:57 22 A. This would be the renewals of support for
09:30:57 23 the software.

09:30:59 24 Q. Okay. Is that distinct from the sale of
25 the license in the first year of support?

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(Whereupon, the deposition was
concluded at 11:24 a.m.)

--oOo--

I declare under penalty of perjury the
foregoing is true and correct. Subscribed at
SAN FRANCISCO, California, this 7 day
of AUGUST, 2009.



Paul Duggan

Merrill Legal Solutions



INSTRUCTIONS FOR READING/CORRECTING YOUR DEPOSITION

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: TYP0

36 22

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

Reason: TYP0

Page Line

44 4

Change: 'IRISH' → 'AT RISK'

Reason: TYPO

44 13

Change: 'IRISH' → 'AT RISK'

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Change: _____

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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;

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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

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.

17:01

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

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.

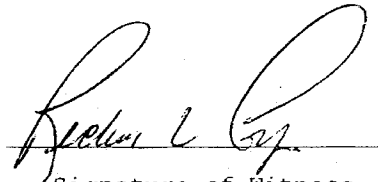
7 --o0o--

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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19 Signature of Witness

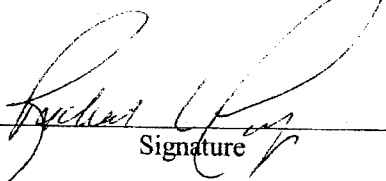
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Errata Sheet

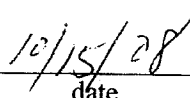
Deposition of Rick Cummins, September 16, 2008

<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
11:34:57
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(Whereupon, the deposition was
concluded at 11:24 a.m.)
--oOo--

I declare under penalty of perjury the
foregoing is true and correct. Subscribed at
SAN FRANCISCO, California, this 7 day
of AUGUST, 2009.



Paul Duggan

Merrill Legal Solutions



INSTRUCTIONS FOR READING/CORRECTING YOUR DEPOSITION

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: TYP0

36 22

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

Reason: TYP0

Page Line

44 4

Change: 'IRISH' → 'AT RISK'

Reason: TYPO

44 13

Change: 'IRISH' → 'AT RISK'

Reason: TYPO

Change: _____

Reason: _____

Change: _____

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Reason: _____

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

(date)

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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;

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: August 13, 2009.

Sarah Lucia Brann

SARAH LUCIA BRANN, CSR No. 3887

From: Lori Sanabria [lori.sanabria@oracle.com]
Sent: Sunday, April 23, 2006 7:52 AM
To: patricia.murguia@oracle.com
Subject: RE: At Risk Report
Attachments: update 4-22-06.xls

Hi Patricia

I've updated the spreadsheet. This is the first time for me so let me know if you have any questions. I have attached it below,

thanks

-----Original Message-----

From: Patricia Murguia [mailto:patricia.murguia@oracle.com]
Sent: Friday, April 21, 2006 9:14 AM
To: lori.sanabria@oracle.com
Subject: RE: At Risk Report

Sorry.. you are added to my distribution list and here was the latest UPDATE (I only show those that are in Negotiation)

ciao
P

From: Lori Sanabria [mailto:lori.sanabria@oracle.com]
Sent: Thursday, April 20, 2006 5:37 PM
To: MURGUIA PATRICIA
Subject: At Risk Report

Hi Patricia

Can you please add me to your at risk report and also send me the most recent report so that I can update it.

thanks

Lori Sanabria
Support Sales Representative

ORACLE | Support Services
4500 Oracle Lane
Pleasanton, CA 94588
Direct Line: 925/694-5075
Fax Line: 719/757-4220
email: lori.sanabria@oracle.com
Global Support Center/Customer Care 1/800-477-5738