

EXHIBIT 2

**Foundation for
A-6329-1**

Defendants' Trial Exhibit A-6329-1 – Foundational Support

- Joint Pretrial Statement – Undisputed facts section (identifying Jeff Henley as Oracle's chairman of the board)
- ORCL00034267 (Oracle organizational chart identifying Jeff Henley as Oracle Chairman of the Board, Larry Ellison as Oracle CEO, and Charles Phillips as Oracle Co-president)
- ORCL00034185 (Oracle organizational chart identifying Larry Ellison as Oracle CEO, Keith Block as Oracle Executive Vice President, and Charles Phillips as Oracle Co-president)
- Ellison Nov. 8, 2010 Trial Tr. at 781:10-14 (Larry Ellison testifying that Mr. Henley is Oracle's chairman of the board)
- Block Sept. 17, 2009 Depo. Tr. at 17:7-18:2; 21:4-9, 21:12-13, 21:15-21 (identifying Block's responsibilities and reporting structure and showing that he was on Oracle's Executive Committee)
- Blotner July 23, 2008 Depo. Tr. at 18:10-18 (Rule 30(b)(6) testimony identifying Keith Block as executive vice president for North America sales)
- Feb. 23, 2010 Oracle Expert Report of Paul Meyer (redacted excerpt) (identifying Keith Block as Oracle Executive Vice President of Sales and Consulting in North America)

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Attorneys for Defendants
SAP AG, SAP America, Inc., and
TomorrowNow, Inc.

19 UNITED STATES DISTRICT COURT
20 NORTHERN DISTRICT OF CALIFORNIA
21 OAKLAND DIVISION

22 ORACLE USA, INC., *et al.*,

23 Plaintiffs,

24 v.

25 SAP AG, *et al.*,

26 Defendants.

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

JOINT PRETRIAL STATEMENT

Date: May 24, 2012
Time: 2:30 pm
Place: 3rd Floor, Courtroom 3
Judge: Hon. Phyllis J. Hamilton

1 99. Charles Phillips was the Co-President of Oracle from some time in 2004 to 2010

2 100. Safra Catz is the President of Oracle and has held this position since 2004.

3 101. Safra Catz was the Chief Financial Officer of Oracle from 2005 to 2008.

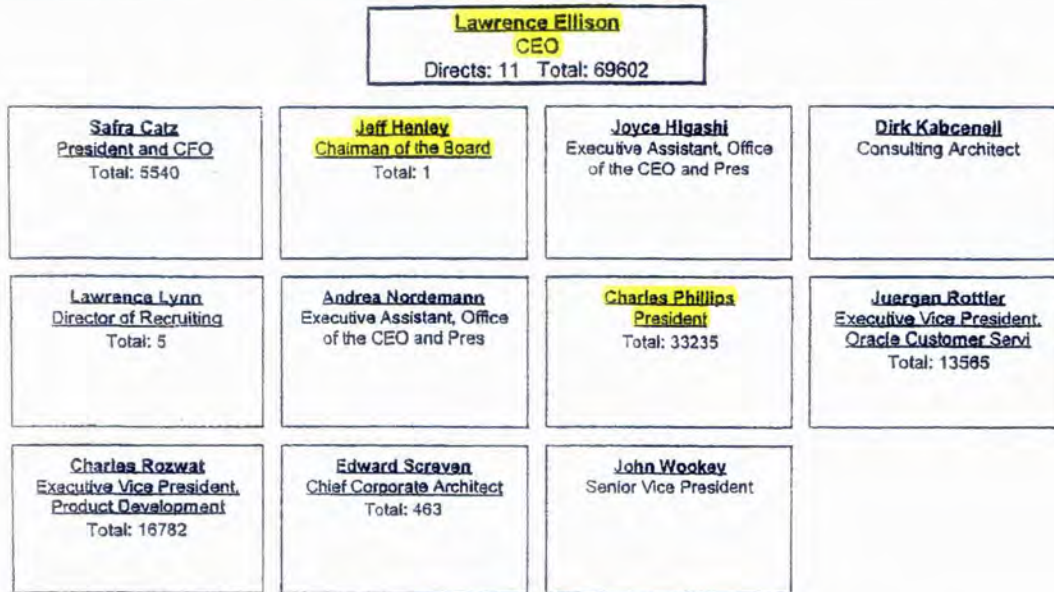
4 102. Jeff Henley is Oracle's Chairman of the Board and has held this position since
5 2004.

6 103. On or about January 8, 2009, Defendants produced a customer report of financial
7 information with the file name "SAP-OR 00603615_SAP Customer Report.xls" in connection
8 with the litigation *Oracle USA, Inc. et al. v. SAP AG, et al.*, Case No. 07-CV-01658 PJF (EDL).
9 That document, bates-stamped SAP-OR00603615, is a true copy of an SAP business record that
10 was: (a) made at or near the time of the occurrence of the matters set forth therein, by, or from
11 information transmitted by, a person with knowledge of those matters; (b) kept in the course of
12 regularly conducted business activity; and (c) made by the regularly conducted business activity
13 as a regular practice.

14 104. On or about July 15, 2009, Defendants produced a customer report of financial
15 information with the file name "SAP Customer Report July 2009 Update.xls" in connection with
16 the litigation *Oracle USA, Inc. et al. v. SAP AG, et al.*, Case No. 07-CV-01658 PJF (EDL). That
17 document, bates-stamped SAP-OR00789887, is a true copy of an SAP business record that was:
18 (a) made at or near the time of the occurrence of the matters set forth therein, by, or from
19 information transmitted by, a person with knowledge of those matters; (b) kept in the course of
20 regularly conducted business activity; and (c) made by the regularly conducted business activity
21 as a regular practice.

22 105. On or about November 4, 2009, Defendants produced a customer report of
23 financial information with the file name "SAP Customer Report Updated 10-30-09.xls" in
24 connection with the litigation *Oracle USA, Inc. et al. v. SAP AG, et al.*, Case No. 07-CV-01658
25 PJF (EDL). That document, bates-stamped SAP-OR00841587, is a true copy of an SAP
26 business record that was: (a) made at or near the time of the occurrence of the matters set forth
27 therein, by, or from information transmitted by, a person with knowledge of those matters; (b)
28 kept in the course of regularly conducted business activity; and (c) made by the regularly

ORACLE Aria People Search



ORACLE[®] Aria People Search

Lawrence Ellison
CEO
 Directs: 11 Total: 69602

Charles Phillips
President
 Directs: 16 Total: 33235

Duncan Angove
GM, Oracle Global Retail Business Unit
 Total: 1259

Keith Block
Executive Vice President
 Total: 10559

Sonia Gillo
Executive Assistant, Office of the CEO and Pres
 Total: 2

Patrick Durham
VP, Global Sales Operations
 Total: 7

Sergio Giacometto
Executive Vice President EMEA
 Total: 10413

Bhaskar Gorti
Senior Vice President & General Manager - Commu
 Total: 916

Quentin Grady
SVP & General Manager, UGBU
 Total: 1194

Rajesh Hukku
Senior Vice President
 Total: 54

Tony Kender
Senior Vice President - Global Accelerate Progr
 Total: 189

Doug Kennedy
Senior Vice President, Worldwide Alliances & Ch
 Total: 147

John Kopcke
SVP, Business Intelligence and Performance Mana
 Total: 93

Luiz Meisler
Senior Vice President - LAD
 Total: 1309

Fred Reich
Senior Vice President - Embedded Device Sales
 Total: 91

Judith Sim
Senior Vice President & Chief Marketing Officer
 Total: 747

Sonny Singh
Senior Vice President IBU
 Total: 609

Derek Williams
Executive Vice President
 Total: 5623

Neil de Crescenzo
Senior Vice President & General Manager - LSGBU
 Total: 6

PENGAD 800-631-9089
 EXHIBIT
 Blotner
 2
 7-23-08

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BEFORE THE HONORABLE PHYLLIS J. HAMILTON, JUDGE

ORACLE CORPORATION, ET AL.)	JURY TRIAL
)	
PLAINTIFFS,)	NO. C 07-01658 PJH
)	
VS.)	VOLUME 5
)	
SAP AG, ET AL.,)	PAGES 754 - 946
)	
DEFENDANTS.)	OAKLAND, CALIFORNIA
)	MONDAY, NOVEMBER 8, 2010

TRANSCRIPT OF PROCEEDINGS

APPEARANCES:

FOR PLAINTIFFS:

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BY: DAVID BOIES,
STEVEN C. HOLTZMAN, ATTORNEYS AT LAW

(APPEARANCES CONTINUED NEXT PAGE)

REPORTED BY:

RAYNEE H. MERCADO, CSR NO. 8258
DIANE E. SKILLMAN, CSR NO. 4909
RAYNEE H. MERCADO, CSR, RMR, CRR, FCRR, CCRR (510) 451-7530

1 Q. IF YOU WOULD TURN IN YOUR BINDER TO A4089.

2 A. (REVIEWING DOCUMENTS.)

3 Q. ARE YOU THERE, SIR?

4 A. I AM.

5 Q. THANK YOU.

6 AND YOU SEE THAT THAT'S AN EMAIL EXCHANGE BETWEEN
7 JEFF HENLEY AND MS. CATZ, AND YOU'RE COPIED THERE.

8 YOU SEE THAT?

9 A. I DO.

10 Q. WHAT WAS MR. HENLEY'S JOB AT THE TIME? THIS IS MARCH OF
11 2005.

12 A. HE WAS THE CHAIRMAN OF OUR BOARD OF DIRECTORS.

13 Q. SO TO THE EXTENT YOU HAVE A BOSS, HE WAS YOUR BOSS?

14 A. CORRECT.

15 Q. AND MS. CATZ, SHE WAS REPORTING DIRECTLY TO YOU AT THE TIME?

16 A. THAT'S CORRECT.

17 Q. SHE STILL DOES?

18 A. YES.

19 Q. SOMEBODY YOU TRUST AND RELY ON, I ASSUME.

20 A. YES.

21 MR. LANIER: YOUR HONOR, WE MOVE ADMISSION OF 4089.

22 MR. BOIES: NO OBJECTION.

23 THE COURT: ALL RIGHT. ADMITTED.

24 (DEFENDANTS' EXHIBIT A4089

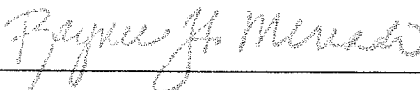
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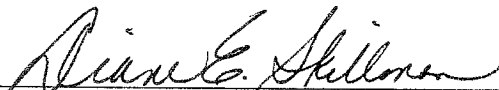
CERTIFICATE OF REPORTER

WE, RAYNEE H. MERCADO AND DIANE E. SKILLMAN, OFFICIAL REPORTERS FOR THE UNITED STATES COURT, NORTHERN DISTRICT OF CALIFORNIA, HEREBY CERTIFY THAT THE FOREGOING PROCEEDINGS IN C07-01658PJH, ORACLE USA, INC., ET AL. V. SAP AG, ET AL., WERE REPORTED BY US ON, MONDAY, NOVEMBER 8, 2010, CERTIFIED SHORTHAND REPORTERS, AND WERE THEREAFTER TRANSCRIBED UNDER OUR DIRECTION INTO TYPEWRITING; THAT THE FOREGOING IS A FULL, COMPLETE AND TRUE RECORD OF SAID PROCEEDINGS AS BOUND BY US AT THE TIME OF FILING.

THE VALIDITY OF THE REPORTER'S CERTIFICATION OF SAID TRANSCRIPT MAY BE VOID UPON DISASSEMBLY AND/OR REMOVAL FROM THE COURT FILE.



RAYNEE H. MERCADO, CSR, RMR, CRR, FCRR, CCRR



DIANE E. SKILLMAN, CSR, RPR, FCRR

TUESDAY, NOVEMBER 9, 2010

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
KEITH BLOCK

THURSDAY, SEPTEMBER 17, 2009

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

REPORTED BY: HOLLY THUMAN, CSR No. 6834, RMR, CRR
(1-421905)

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(800) 869-9132

09:24:42 1 A. I became an Executive Vice President of
09:24:45 2 North America Consulting.
09:24:46 3 Q. When was that?
09:24:49 4 A. Right around 2000.
09:24:52 5 Q. Who were you reporting to in that job?
09:24:58 6 A. Larry Ellison.
09:25:01 7 Q. And what did you do next after that?
09:25:02 8 A. I became an Executive Vice President of
09:25:05 9 North America Sales and Consulting.
09:25:10 10 Q. Was that in 2002?
09:25:12 11 A. Yes.
09:25:12 12 Q. Still reporting to Larry Ellison in that
09:25:14 13 job?
09:25:14 14 A. At that time, yes.
09:25:16 15 Q. And what were your responsibilities in that
09:25:18 16 position?
09:25:21 17 A. Running the license sales, sales
09:25:24 18 consulting, and consulting businesses in North
09:25:26 19 America.
09:25:31 20 Q. Are you still in that position today?
09:25:33 21 A. Yes.
09:25:33 22 Q. Who do you report to?
09:25:34 23 A. Charles Phillips.
09:25:36 24 Q. When did you begin reporting to Charles
09:25:38 25 Phillips?

09:25:40 1 A. Approximately 2004, 2005. I don't exactly
09:25:45 2 remember the date.

09:25:46 3 Q. Why did you change reporting lines from
09:25:49 4 Mr. Ellison to Mr. Phillips?

09:25:52 5 A. That's probably a good question for
09:25:53 6 Mr. Ellison.

09:25:57 7 MS. HOUSE: Calls for speculation.

09:25:59 8 MR. McDONELL: Q. In other words, you
09:26:00 9 don't know?

09:26:00 10 A. No.

09:26:05 11 MR. McDONELL: Mark that for the record,
09:26:06 12 please.

09:26:06 13 (Defendants Exhibit 650 was marked for
09:26:09 14 identification.)

09:26:26 15 MR. McDONELL: Q. I'm showing you what's
09:26:28 16 been marked as Exhibit 650. Have you seen this
09:26:30 17 document before? It's Defendants' Notice of
09:26:33 18 Deposition of Keith Block.

09:26:37 19 A. May I read it?

09:26:38 20 Q. You may. It's not particularly important.
09:26:40 21 I just want to have it as part of the deposition
09:26:42 22 record.

09:27:00 23 A. I don't know if I've seen this document.

09:27:02 24 Q. Okay. Mark that as next in order, please.
09:27:05 25 You you can just set this down in front of

09:29:17 1 A. Somewhere around that number.

09:29:18 2 Q. Somewhere around 10,000?

09:29:19 3 A. Yes.

09:29:36 4 Q. Do you serve on any committees at Oracle

09:29:38 5 Corporation?

09:29:41 6 A. Yes.

09:29:42 7 Q. What committees do you serve on?

09:29:44 8 A. I'm on Executive Committee, the Executive

09:29:46 9 Committee.

09:29:47 10 Q. Any others?

09:29:47 11 A. No.

09:29:50 12 Q. Generally speaking, what is the scope of

09:29:53 13 the responsibility of the Executive Committee?

09:29:55 14 MS. HOUSE: Vague as to time.

09:29:59 15 THE WITNESS: At this particular time?

09:30:00 16 MR. McDONELL: Q. Yes.

09:30:04 17 A. It's essentially a group of executives that

09:30:10 18 spend time talking about forecasting, potentially

09:30:14 19 business issues or policy issues, as it relates to

09:30:17 20 field initiatives or things that go -- topics that

09:30:22 21 are important to discuss as a management team.

09:30:26 22 Q. Did the Executive Committee have

09:30:27 23 responsibility for the decision to acquire

09:30:29 24 PeopleSoft?

09:30:30 25 A. No.

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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 and the reason.

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

33 5

Change: change "Yes" to "No"

Reason: incorrectly captured

53 25

Change: change "not that I'm aware of" to "I believe so"

Reason: clarification

170 25

Change: change "they" to "no"

Reason: Incorrectly captured

Page Line

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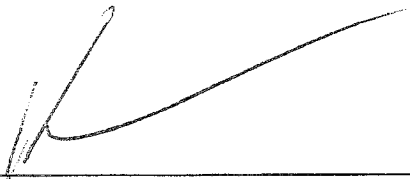
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Subject to the above changes, I certify that the transcript is true and correct.

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



(signature)

10/30/09

(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 state, and that the testimony of 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: 9.24.09
Holly Thuman
HOLLY THUMAN, CSR

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, CRP
(01-411414)

Merrill Legal Solutions
(800) 869-9132

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1 Q. Is it more than ten, less than ten?

2 A. It's definitely more than ten.

3 Q. How would you find that out if you wanted
4 to find out how many regions there are, sales
5 regions?

6 A. I would have to -- I would have to look
7 internally at our directory and drill all the way
8 down. It's actually easier to start from the top to
9 the bottom than from the bottom to the top.

10 Q. Okay. Well, maybe we should try that
11 then. Who is at the top of your organization?

12 A. At the top of my organization is -- do you
13 mean -- you mean for North America?

14 Q. For North America, yes.

15 A. Is Keith Block.

16 Q. What's his title?

17 A. Keith Block is executive vice president
18 for North America sales.

19 Q. And who is underneath Keith Block?

20 A. Keith has a series of direct reports.
21 Tony Fernicola runs our technology business. Matt
22 Mills runs our applications business for the
23 strategic or larger accounts. John Boucher runs our
24 applications business for all the rest of the
25 commercial accounts, nongovernment kinds of

1 I declare under penalty of perjury that
2 the foregoing is true and correct. Subscribed at
3 San Francisco, California, this 23 day
4 of July 2008.

5
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8

9 RICHARD BLOTNER
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Merrill Legal Solutions



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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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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 H. [Signature]
(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

ORACLE USA, INC., ET AL

V.


SAP AG, ET AL

CASE No. 07-CV-01658

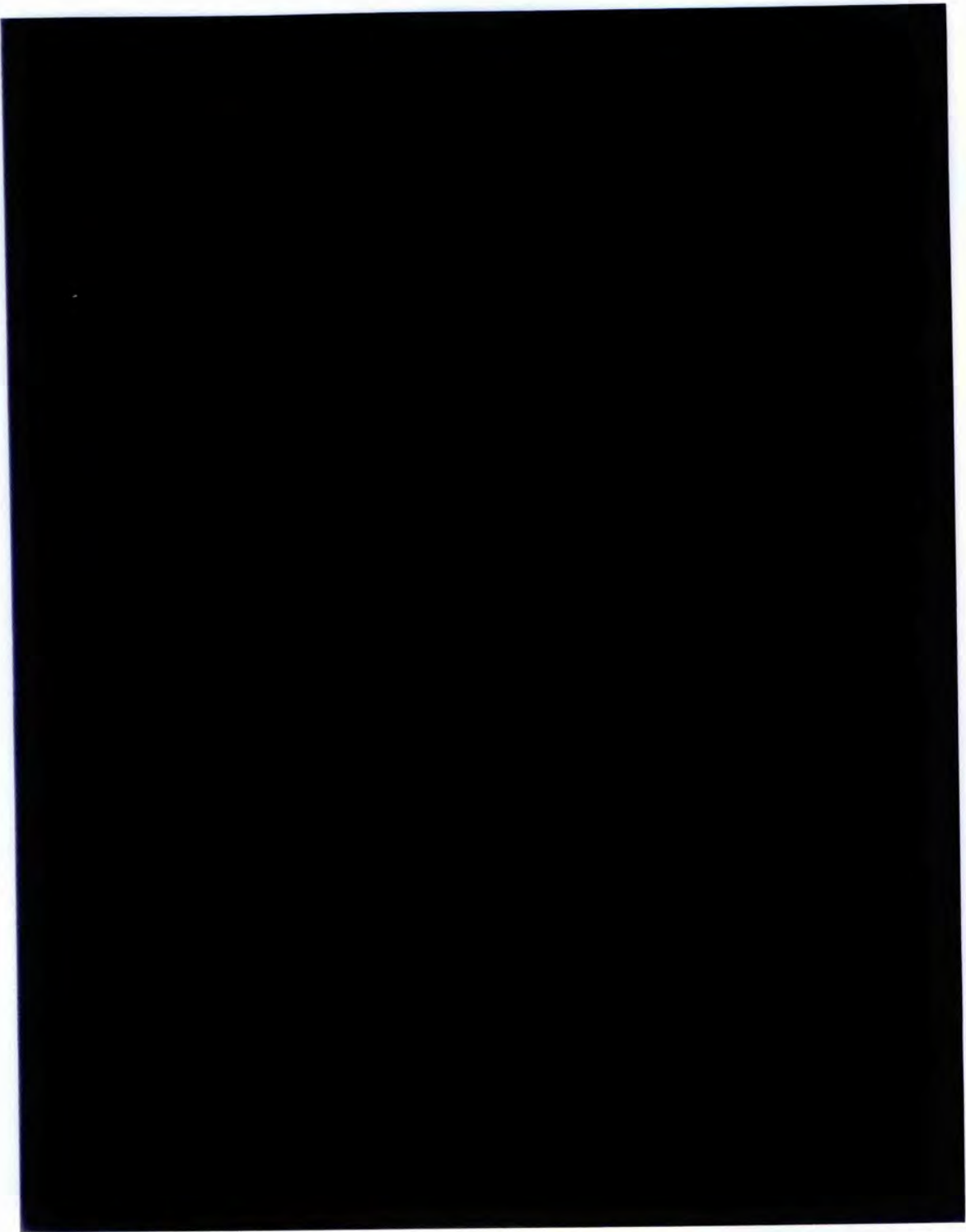
SUPPLEMENTAL EXPERT REPORT OF PAUL K. MEYER

TM FINANCIAL FORENSICS, LLC.

FEBRUARY 23, 2010



PAUL K. MEYER



■ Keith Block (Oracle EVP of Sales and Consulting in North America), ■