

EXHIBIT 26

Sales and Support
Group
Foundation

Sales and Support Foundation

- Blotner July 23, 2008 Depo. Tr. at 11:19-12:2 (Rule 30(b)(6) testimony describing the function of Oracle's software sales organization)
- Jones April 24, 2009 Depo Tr. at 25:3-20 (describing the function of Oracle's support renewals/sales team)
- Van Boening Sept. 10, 2009 Depo Tr. at 152:10-15 (describing the function of Oracle's support renewals/sales team)
- Cummins Sept. 16, 2008 Depo Tr. at 27:16-23 (Rule 30(b)(6) testimony describing the function of Oracle's support renewals/sales team)
- Duggan Aug. 7, 2009 Depo Tr. at 23:16-24 (Rule 30(b)(6) testimony describing the function of Oracle's sales representatives)

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

1 to take a flight out of San Francisco this
2 afternoon; is that correct?

3 A. Yes. 4:00 o'clock flight.

4 Q. Okay. So I can't guarantee it, but I will
5 do my best to try to make sure that happens. And
6 we'll try to keep the breaks short so that we can
7 try and accomplish that.

8 Are you an Oracle employee?

9 A. Yes, I am.

10 Q. How long have you been employed by Oracle?

11 A. Thirteen years and two months.

12 Q. What is your current position at Oracle?

13 A. Vice president of operations for North
14 American sales operations.

15 Q. Let me make sure I have it. So it's vice
16 president of operations for North American sales
17 operations?

18 A. Correct.

19 Q. Okay. What does the sales portion of that
20 refer to? Sales of what?

21 A. Sales of software licenses and first-year
22 support and this organization also sells other
23 things such as our education services, our hosting
24 services, referred to as On Demand.

25 Q. When you say "this organization," what are

1 you referring to?

2 A. The North American sales organization.

3 Q. Okay. Which products does the North
4 American sales organization cover?

5 MS. HOUSE: Objection. Vague as to time.
6 And I want to interpose an objection here. This is
7 a deposition that is very narrow. There's two
8 topics for which Mr. Blotner is being offered as a
9 30(b)(6) witness.

10 The topics are 1(a) and 1(d) in the first
11 notice of deposition to Oracle which reads, "The
12 structure and organization of the departments,
13 groups, and/or business units at Oracle responsible
14 for the following functions: (a) sales of the
15 PeopleSoft and JD Edwards product lines, and also
16 (d) licensing related to the PeopleSoft and JD
17 Edwards product lines."

18 And we provided objections and responses
19 to that and, in addition, we got clarification in a
20 July 9th, 2008 letter from Jones Day about the
21 limited nature of this deposition. That is what
22 Mr. Blotner has been prepared to speak on and that
23 is all he will speak on.

24 So if you want to ask him about just those
25 areas, that's what he's providing testimony on.

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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

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

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

Richard H. [Signature]
(signature)

8/19/08
(date)

1 CERTIFICATE OF REPORTER

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

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

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

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

22 DATED: _____

8/5/08

23 Cynthia A. Pacini
24

25 CYNTHIA A. PACINI, CSR No. 6117



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

09:37:12 1 respect to the customer service piece?

09:37:14 2 A. Ian Plummer.

09:37:26 3 Q. Can you tell me a little bit more
09:37:28 4 specifically, then, what you do in connection with
09:37:32 5 the support renewal sales function?

09:37:34 6 A. Okay. I ensure we -- I'm responsible for
09:37:40 7 the renewal of our support maintenance contracts
09:37:46 8 with our -- across our customer base. You know, I
09:37:50 9 get involved in conversations with customers
09:37:54 10 directly in support of my team when it is
09:37:58 11 appropriate for me to do so.

09:38:00 12 I also spend a lot of time talking to
09:38:03 13 customers to ensure that they are receiving all of
09:38:07 14 the value of support, all of the service elements
09:38:10 15 that we have in our service offer, and ensure
09:38:15 16 they're realizing that value. I also spend time
09:38:19 17 talking to customers about issues or incidents they
09:38:23 18 may have, working on plans to provide remediation
09:38:27 19 for those or working on plans to be proactive to
09:38:31 20 ensure that they don't have issues.

09:38:35 21 Q. In that regard, when you have these
09:38:39 22 communications with customers, is there a practice
09:38:43 23 you follow for documenting those communications?

09:38:46 24 MS. HOUSE: Objection; overbroad.

09:38:49 25 THE WITNESS: You know, I think it's -- we

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.

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9 Signature of the witness

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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.



(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
MICHAEL VAN BOENING

THURSDAY, SEPTEMBER 10, 2009

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

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

(1-421903)

12:47:01 1 sign them.

12:47:03 2 Q. Okay. Does that document describe the
12:47:10 3 compensation for all sales associates? And by all,
12:47:14 4 I mean across product lines, and across license
12:47:18 5 sales and support sales.

12:47:20 6 MR. ALINDER: Objection. Calls for
12:47:21 7 speculation, lacks foundation.

12:47:23 8 THE WITNESS: I wouldn't know, other than
12:47:26 9 for my group, if that applies to license sales.

12:47:31 10 MR. DELAHUNTY: Q. Are you referring to
12:47:31 11 your group as support renewal sales?

12:47:33 12 A. Yes.

12:47:33 13 Q. Does that group include all product lines
12:47:36 14 that have support services?

12:47:41 15 A. I believe that to be the case.

12:47:42 16 Q. Would it include, for example, associates
12:47:46 17 selling support services for Oracle databases?

12:47:49 18 A. Yes.

12:47:50 19 Q. Okay. And for example, support services
12:47:52 20 for Oracle middleware?

12:47:54 21 A. Yes.

12:47:55 22 Q. Okay. Would it include the compensation
12:48:01 23 structure for license sales associates?

12:48:05 24 A. I wouldn't -- I wouldn't know that.

12:48:07 25 Q. Okay. To your knowledge, it's just for

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Errata sheet

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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)

10/27/09

(date)

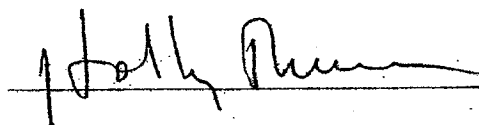
1 CERTIFICATE OF REPORTER

2 I, HOLLY THUMAN, a Certified Shorthand
3 Reporter, hereby certify that the witness in the
4 foregoing deposition was by me duly sworn to tell the
5 truth, the whole truth, and nothing but the truth in the
6 within-entitled cause; that said deposition was taken
7 down in shorthand by me, a disinterested person, at the
8 time and place therein stated, and that the testimony of
9 the said witness was thereafter reduced to typewriting,
10 by computer, under my direction and supervision;

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

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

21
22 DATED September 24, 2009

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25 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: 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

1 Q. MR. McDONELL: I thought you said your job
2 hasn't changed in terms of your responsibilities
3 since you've been at Oracle. Am I mistaken about
09:35 4 that?

5 A. My base responsibilities haven't changed.

6 Q. Okay. Then let's talk about your base
7 responsibilities. What are your base
8 responsibilities as senior director of support
09:35 9 renewals for North America?

10 A. Ensuring that we renew our customers that are
11 in my space for support renewals.

12 Q. And how do you do that?

13 A. There's a whole process, but do you want me
09:36 14 go through the details of the process or what are you
15 looking for?

16 Q. Give me the general outline, please.

17 A. The general outline is that customers are
18 contacted regarding their renewal for the upcoming
09:36 19 time frame. We then work with the customer to ensure
20 that we get a purchase order before the start date of
21 their contract, and if there are any questions on
22 contracts or questions about the services, we answer
23 those questions.

09:36 24 Q. Do you deal directly with customers in your
25 job?

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

17:01

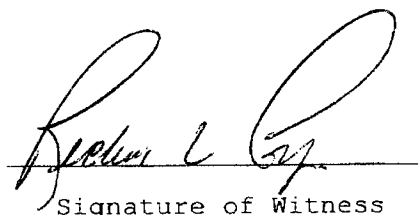
4 VIDEOGRAPHER: This marks the end of
5 videotape number four in the deposition of Richard
6 Cummins. Going off the record, the time is 5:02.

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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19 Signature of Witness

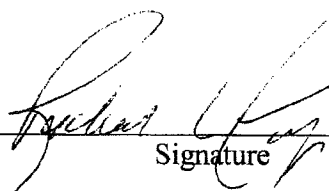
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Errata Sheet

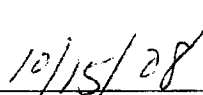
Deposition of Rick Cummins, September 16, 2008

<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



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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)

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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(Whereupon, the deposition was

11:34:57

2

concluded at 11:24 a.m.)

11:34:57

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--oOo--

11:34:57

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I declare under penalty of perjury the

11:34:57

5

foregoing is true and correct. Subscribed at

11:34:57

6

SAN FRANCISCO, California, this 7 day

11:34:57

7

of AUGUST, 2009.

11:34:57

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Paul Duggan

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ERRATA SHEET

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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

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Reason: TYPO

44 13

Change: 'IRISH' → 'AT RISK'

Reason: TYPO

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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

(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