

EXHIBIT 43

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.)	
)	
SAP AG, ET AL.,)	PAGES 480 - 640
)	
DEFENDANTS.)	OAKLAND, CALIFORNIA
)	THURSDAY, NOVEMBER 4, 2010

(PAGES 485 THROUGH 491 ARE UNDER SEAL AND BOUND SEPARATELY)

TRANSCRIPT OF PROCEEDINGS

APPEARANCES:

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(APPEARANCES CONTINUED NEXT PAGE)

REPORTED BY: RAYNEE H. MERCADO, CSR NO. 8258

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TEXT REMOVED - NOT RELEVANT

Q. NOW, THE -- THE ACQUISITION OF ORACLE'S ACQUISITION OF
PEOPLESOFT, HOW MUCH DID YOU PAY FOR PEOPLESOFT?

A. I PAID JUST OVER 11 BILLION.

TEXT REMOVED - NOT RELEVANT

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TEXT REMOVED - NOT RELEVANT

Q. NOW, THE REPORT THAT WENT TO THE BOARD THAT YOU REVIEWED AND PARTICIPATED IN PREPARING ALSO ADDRESSED THIS, CORRECT, SIR?

A. THERE WAS A COUPLE OF DIFFERENT VERSIONS OF THE REPORT OR BUSINESS CASE TO THE BOARD. WHICH ONE ARE YOU REFERRING TO?

Q. I AM REFERRING TO THE ONE THAT YOU LOOKED AT EARLIER. IT'S BEHIND TAB 4.

A. OKAY.

Q. IF YOU LOOK AT THE FIRST PAGE, YOU RECALL THIS IS THE BUSINESS CASE THAT SAID ON THE VERY TOP JANUARY 7, 2005.

DO YOU SEE THAT?

A. I DO.

Q. AND IT IS THE ONE THAT YOU SAID WAS SENT TO MR. AGASSI, MR. OSWALD, MR. BRANDT, MR. KAGERMANN.

DO YOU RECALL THAT?

1 A. YES.

2 Q. AND THAT YOU HAD PARTICIPATED IN THE PREPARATION OF. DO
3 YOU RECALL THAT?

4 A. I PROVIDED INPUT AND SOME COMMENTS IN REGARDS TO THIS
5 DOCUMENT, YES.

6 Q. YES, INDEED. ONE OF THE COMMENTS YOU PROVIDED WAS A
7 COMMENT THAT YOU DIDN'T THINK THAT THE PRIOR VERSION WAS STRONG
8 ENOUGH IN ADVISING THE BOARD ABOUT THE LEGAL PROBLEMS, CORRECT,
9 SIR?

10 A. THAT'S CORRECT.

11 Q. OKAY. AND SO LET ME GO TO PAGE 6 OF THE BUSINESS PLAN,
12 WHICH IS THE SEVENTH PAGE OF THE EXHIBIT.

13 YOU SEE THAT BOX THAT SAYS "THREATS"?

14 A. I DO.

15 Q. AND IT SAYS:

16 "THE FIRST THREAT IS THE ACCESS RIGHTS TO THE
17 PEOPLESOFT SOFTWARE IS VERY LIKELY TO BE
18 CHALLENGED BY ORACLE AND PAST OPERATING ISSUES
19 MAY BE A SERIOUS LIABILITY IF ORACLE CHALLENGES,
20 I.E., OFFSITE PRODUCTION COPIES AND THE FORM OF
21 DELIVERY OF REGULATORY UPDATES MAY BE SUBJECT TO
22 ORACLE CHALLENGE."

23 DO YOU SEE THAT?

24 A. I DO.

25 Q. AND YOU BELIEVE THAT THAT WAS ACCURATE AT THE TIME,

1 CORRECT, SIR?

2 A. I DID BELIEVE IT WAS ACCURATE, YES.

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12 TEXT REMOVED - NOT RELEVANT

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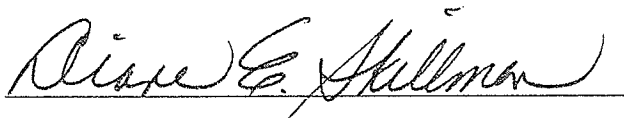
CERTIFICATE OF REPORTER

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, THURSDAY, NOVEMBER 4, 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

FRIDAY, NOVEMBER 5, 2010