

EXHIBIT 55

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 30(b)(6) DEPOSITION OF
ORACLE USA
BY AND THROUGH ITS DESIGNEE
EILEEN McMILLAN

WEDNESDAY, AUGUST 12, 2009

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY
REPORTED BY: HOLLY THUMAN, CSR No. 6834, RMR, CRR
(1-421895)

Merrill Legal Solutions
(800) 869-9132

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--o0o--		
DEFENDANTS' EXHIBITS MARKED FOR IDENTIFICATION		
NO.	DESCRIPTION	PAGE
Exhibit 555	Defendants' Third Notice of Deposition of Plaintiff Oracle USA, Inc. Pursuant to Fed. R. Civ. P. 30(b)(6)	5
Exhibit 556	Collection of charts from file FY06 YTD Cancel Rate Details.xls (ORCL00537582)	41
Exhibit 557	Collection of charts from file FY07 YTD Cancel Rate Details.xls (ORCL00537582)	41
Exhibit 558	Collection of charts from file Collection of charts from file FY08 YTD Cancel Rate Details.xls (ORCL00537582)	41
Exhibit 559	Collection of charts from file Hyundai Motor UK (Hyundai CarUk) - OKI3 Contract Details.xls (ORCL00278144)	122
Exhibit 560	Document headed "Cell entries from various customer-specific financial reports"	143
Exhibit 561	Collection of charts from Yazaki North America-OKI3 Contract Details.xls (ORCL00278144)	181
(Cont'd)		

09:44:55 1

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09:45:05 5

09:45:11 6

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TEXT REMOVED - NOT RELEVANT

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MR. McDONELL: Q. Okay. Ms. McMillan, I

09:55:37 22

have put before you now some new exhibits that have

09:55:40 23

been marked Exhibits 556, 557 and 558.

09:55:45 24

Do you have those?

09:55:46 25

A. Yes, I do.

09:55:47 1 Q. And I just want to let you know that, you
09:55:49 2 know, the files you've produced were large files,
09:55:52 3 and they were very bulky if we printed them out all
09:55:57 4 together. So what we have there -- and I'll ask you
09:56:00 5 to go over them and confirm this, if you can -- is
09:56:03 6 the cover sheet from the tab entitled "Acquisition
09:56:08 7 Cancel Rate" that's kind of got the summary data for
09:56:11 8 each of 2006, 2007 and 2008, as well as some
09:56:17 9 excerpts from some of the backup data.

09:56:20 10 So let's take a look at Exhibit 556 first.
09:56:24 11 Do you have that before you?

09:56:26 12 A. I do.

09:56:27 13 Q. Okay. And do you recognize the format of
09:56:29 14 the document?

09:56:30 15 A. I do.

09:56:31 16 Q. And can you tell us what it appears to be?

09:56:34 17 A. It appears to be the FY06 year-to-date
09:56:39 18 cancellation rate.

09:56:41 19 Q. And then take a quick look at the -- some
09:56:45 20 of the data behind it.

09:56:46 21 Do you recognize the format of those
09:56:49 22 spreadsheets?

09:56:50 23 MR. JINDAL: Take your time going through
09:56:52 24 it all, if you want to. Are these sequential sheets
09:57:03 25 part of the same spreadsheet?

09:57:05 1 MR. McDONELL: Yes. It's all part of the
09:57:08 2 fiscal year '06 Year-To-Date cancel Rate Details
09:57:12 3 file.

09:57:16 4 THE WITNESS: Yes, I recognize this.

09:57:18 5 MR. McDONELL: Q. And what do they appear
09:57:20 6 to be?

09:57:23 7 A. The details behind these summary sheets.

09:57:28 8 Q. Okay. So in Exhibit 556, the first of page
09:57:32 9 is the summary sheet, and what you see behind it
09:57:36 10 appears to be some of the backup data that feeds
09:57:39 11 into the summary sheet?

09:57:41 12 A. Yes.

09:57:42 13

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TEXT REMOVED - NOT RELEVANT

09:58:00 18

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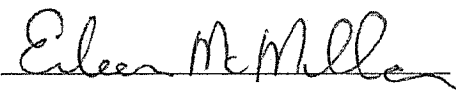
09:58:05 21

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09:58:15 24

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18:35:52 1 MR. JINDAL: And we disagree with that.
18:35:53 2 THE VIDEO OPERATOR: Okay. This marks the
18:35:55 3 end of Tape No. 4 in the 30(b)(6) deposition of
18:36:04 4 Oracle USA with Eileen McMillan.
18:36:08 5 Going off the record, the time is 6:36.
18:36:22 6 (Time noted, 6:36 p.m.)
18:36:25 7 --oOo--
18:36:25 8 I declare under penalty of perjury that
18:36:25 9 the foregoing is true and correct. Subscribed at
18:36:25 10 _____, California, this ____ day of
18:36:25 11 _____ 2009.
18:36:25 12
18:36:25 13 
18:36:25 14 EILEEN MCMILLAN
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Errata Sheet

Deposition of Eileen McMillan, August 12, 2009

<u>Page</u>	<u>Line</u>	<u>Change</u>	<u>Reason</u>
109	2	Change "review" to "renew"	Correction
150	24	Change "properties" to "products"	Correction

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

Eileen McMillan
(signature)

9/18/09
(date)