

ELIZABETH ANN SHIPPY                      September 25, 2008  
HIGHLY CONFIDENTIAL INFORMATION - ATTORNEYS' EYES ONLY

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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-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.

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VIDEOTAPED RULE 30(b)(6) DEPOSITION OF  
ORACLE CORPORATION

Designee: ELIZABETH ANN SHIPPY

\_\_\_\_\_  
Thursday, September 25, 2008

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Reported By: WENDY E. ARLEN, CSR #4355, CRR, RMR  
Job 413273

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10:53	<p>1 Q. -- based on their interactions with the 2 customer? 3 A. Yes. 4 Q. To make sure I understand how the 20 percent 5 worked, if the sales rep's estimate of the likelihood 6 of renewal was that there was a 20 percent chance 7 that it would not be renewed or less, then it would 8 go into -- they would fill in that field; is that 9 correct? Do I have it the right way around? 10 A. Well, they're going to field -- they're going 11 to fill in the field with a number. 12 Q. So, I see. Okay. 13 A. That's just part of the process. They put in 14 whatever they believe the likelihood of that renewal 15 is going to book. 16 Q. And prior to the transition to the automated 17 system, sometimes they would do that and sometimes 18 they would not; is that correct? 19 A. I don't know. 20 Q. Okay. But as of the transition to the 21 automated system, that field is always filled in; is 22 that correct? 23 A. Yes. 24 Q. Or it's supposed to always be filled in. 25 A. Yes.</p>	10:56	<p>1 A. That's it. 2 Q. Okay. So when this was a manual process, was 3 20 percent the same number that was being used for a 4 sales rep to decide to inform you that this is an at 5 risk account? 6 A. I don't know. 7 Q. Okay. 8 A. We didn't use the forecast percentage prior 9 to the automated -- in my work with at risk, no one 10 ever gave me a forecast percentage. That was not 11 part of my analysis. 12 Q. So a sales rep would just make his or her own 13 determination, maybe in conjunction with management, 14 that an account was at risk then tell you the 15 account's at risk. 16 A. Absolutely. 17 Q. Now, I've seen the manual at risk report, and 18 it contains a fair amount of information. How is 19 that information recorded now, if at all? 20 A. So what we've done is we've kept -- first of 21 all, the report is cumulative. So it was a moving 22 target. So every week at the onset of the report 23 when we did it on a weekly basis, it would be 24 cumulative. We eventually went to monthly. 25 So as of February '08, that was the last time</p>
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10:54	<p>1 Q. Okay. And if the number is 20 percent or 2 less, then it's flagged as an at risk. 3 A. Correct. 4 Q. And then what happens after it's flagged as 5 at risk? 6 A. So then, going back to Exhibit 79, and it's 7 page 3, on the premier reporting portal, there is an 8 at risk analysis report, and all that is, there's two 9 tabs on that report. There's an entered, which is 10 the active contracts, and on that tab would list all 11 of the contracts that have an expected bookings of 12 20 percent or below. 13 Q. You said there are two tabs? 14 A. Yes, the other tab is cancelled. So that 15 would also be typically at the quarterly level. I'm 16 sorry. I take that back. It's a monthly level. So 17 every month the report gets generated. So any 18 renewals that were on the 20 percent or below either 19 are entered, meaning that they're still being worked, 20 those are the ones that we are still negotiating and 21 working through, and then there's the cancelled, the 22 ones we did lose. 23 Q. Okay. And so is that the sum total of the 24 report, the at risk analysis report that comes from 25 OKS? It just shows number entered, number cancelled?</p>	10:57	<p>1 that that manual was created. That is cumulative and 2 that's the end of it. It has been posted, so it's 3 available for reference, but that was it. 4 Q. And the information that went into that 5 report, for example, there is, I think it's called 6 the notes field, it would have the comments by the 7 sales rep, is that information -- since February of 8 '08, is that information collected anywhere? 9 And I'm talking about communications have 10 happened between the sales rep and the customer, for 11 example, since February '08, is that recorded 12 anywhere as part of the at risk reporting process in 13 OKS? 14 A. So let me make sure I understand your 15 question. So in February of '08, even though the 16 report, the manual report was going to be ended, 17 there may have been some customers that were still in 18 negotiation, right, that we were still working. 19 So the renewal rep would include notes as 20 attachments into OKS. So that even though the notes 21 no longer are being tracked in this manual form, reps 22 are still able to add notes and attach and them in 23 the OKS contract. So if you and were going to look 24 up a deal and see where it's at, we should be able to 25 check the notes through the attachments in OKS.</p>

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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 2, 2008

Wendy E. Arlen

WENDY E. ARLEN CSR, No. 4355