

EILEEN McMILLAN August 12, 2009
HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

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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)

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09:24:06 1 MR. McDONELL: Q. Okay. Same question for
09:24:07 2 the Analytics Licenses Report. Is that report
09:24:10 3 something you work with in your normal job?
09:24:14 4 MR. JINDAL: Objection. Vague and
09:24:14 5 ambiguous.
09:24:14 6 THE WITNESS: No.
09:24:16 7 MR. McDONELL: Q. Same question with
09:24:17 8 respect to cancellation reports.
09:24:20 9 MR. JINDAL: Objection.
09:24:21 10 MR. McDONELL: Q. Are those reports that
09:24:22 11 you work with in your normal job?
09:24:24 12 MR. JINDAL: Objection. Vague and
09:24:25 13 ambiguous.
09:24:26 14 THE WITNESS: Yes.
09:24:27 15 MR. McDONELL: Q. In what way do you work
09:24:28 16 with them?
09:24:29 17 A. I produce those reports for the business at
09:24:32 18 the end of every quarter.
09:24:47 19 Q. Okay. Can you describe the reports that
09:24:49 20 you prepare on a quarterly basis? Are they by
09:24:52 21 organization, by product line? How are they set up?
09:24:57 22 MR. JINDAL: Objection. Compound, vague
09:24:59 23 and ambiguous.
09:25:05 24 THE WITNESS: They are designed by region.
09:25:11 25 In other words, Americas, Europe, Middle East, Asia

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09:25:16 1 Pacific. And the data is broken out by applications
09:25:24 2 versus database technology, and then we also do a
09:25:30 3 cut of the data by Oracle versus our acquisitions.
09:25:37 4 MR. McDONELL: Q. So is there a
09:25:38 5 cancellation report that's specific to PeopleSoft
09:25:40 6 products?
09:25:42 7 MR. JINDAL: Objection. Vague and
09:25:42 8 ambiguous.
09:25:43 9 THE WITNESS: Yes.
09:25:45 10 MR. McDONELL: Q. Is there also a regular
09:25:46 11 quarterly report that you prepare with respect to
09:25:49 12 JD Edwards products?
09:25:52 13 MR. JINDAL: Same objection.
09:25:54 14 THE WITNESS: We split PeopleSoft out by
09:25:56 15 PeopleSoft and JD Edwards, yes.
09:25:58 16 MR. McDONELL: Q. And is there also a
09:25:59 17 split of the Siebel product line?
09:26:03 18 A. Yes.
09:26:04 19 Q. To whom do you provide those on a quarterly
09:26:07 20 basis?
09:26:08 21 MR. JINDAL: Objection. Vague.
09:26:09 22 THE WITNESS: I provide them to Gary Miller
09:26:13 23 and to Linda Hartig.
09:26:19 24 MR. McDONELL: Q. How long have you been
09:26:20 25 providing those reports?

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09:26:22 1 MR. JINDAL: Objection. Vague and
09:26:23 2 ambiguous.
09:26:25 3 THE WITNESS: Since our Q3 FY06.
09:26:37 4 MR. McDONELL: Q. Prior to that time, were
09:26:38 5 you providing cancellation reports to anybody?
09:26:42 6 MR. JINDAL: Objection. Vague and
09:26:42 7 ambiguous as to the "reports."
09:26:47 8 THE WITNESS: No.
09:26:49 9 MR. McDONELL: Q. Was there -- prior to Q3
09:26:51 10 '06, are you aware of any tracking within Oracle of
09:26:56 11 cancellation activity?
09:26:59 12 MR. JINDAL: Objection, outside the scope;
09:27:00 13 objection, vague and ambiguous.
09:27:02 14 THE WITNESS: Yeah. I'm not aware of any.
09:27:10 15 MR. McDONELL: Q. When you say that, it
09:27:11 16 makes me think that you think someone else would
09:27:13 17 know about it.
09:27:17 18 MR. JINDAL: Wait for a question.
09:27:19 19 MR. McDONELL: Q. Okay. Does --
09:27:20 20 THE WITNESS: Okay.
09:27:20 21 MR. McDONELL: Q. Do you have reason to
09:27:22 22 believe somebody else was running cancellation
09:27:24 23 reports prior to Q3 '06?
09:27:27 24 A. No.
09:27:28 25 Q. Do you have any information whatsoever as

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09:27:29 1 to whether Oracle had any cancellation reports prior
09:27:32 2 to Q3 '06?
09:27:34 3 MR. JINDAL: Objection. Overbroad.
09:27:37 4 THE WITNESS: I do not know of any
09:27:38 5 cancellation reports prior to Q3 '06.
09:27:42 6 MR. McDONELL: Q. Are you aware of any
09:27:44 7 process by which Oracle was able to track
09:27:48 8 cancellation activity prior to Q3 '06?
09:27:51 9 MR. JINDAL: Objection. Overbroad.
09:27:54 10 THE WITNESS: I would have to speculate.
09:27:57 11 MR. McDONELL: Q. Go ahead and speculate.
09:27:58 12 A. Okay. I believe our finance folks would
09:28:07 13 come up with a large cancellation number for the
09:28:15 14 globe.
09:28:18 15 Q. And why do you believe that?
09:28:21 16 MR. JINDAL: Objection. Calls for
09:28:22 17 speculation, lacks foundation.
09:28:24 18 THE WITNESS: Yeah. Speculation, again, I
09:28:26 19 believe it's part -- it's a necessary component of
09:28:29 20 their modeling process.
09:28:34 21 MR. McDONELL: Q. And which finance folks
09:28:35 22 are you referring to?
09:28:36 23 A. Darron Knox.
09:28:39 24 Q. What's his job?
09:28:41 25 MR. JINDAL: Objection. Lacks foundation.

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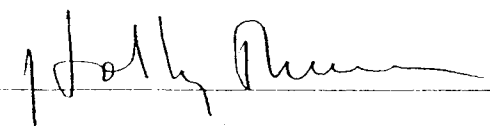
CERTIFICATE OF REPORTER

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 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 24, 2009


HOLLY THUMAN, CSR No. 6834