EXHIBIT J

1 BINGHAM McCUTCHEN LLP
   CHRISTOPHER B. HOCKETT (SBN 121539)
2 GEOFFREY M. HOWARD (SBN 157468)
   HOLLY A. HOUSE (SBN 136045)
3 ZACHARY J. ALINDER (SBN 209009)
   BREE HANN (SBN 215695)
4 Three Embarcadero Center
   San Francisco, CA 94111-4067
5 Telephone: (415) 393-2000
   Facsimile: (415) 393-2286
6 chris.hockett@bingham.com
   geoff.howard@bingham.com
7 holly.house@bingham.com
   zachary.alinder@bingham.com
8 bree.hann@bingham.com

9 DORIAN DALEY (SBN 129049)
   JENNIFER GLOSS (SBN 154227)
10 500 Oracle Parkway
11 M/S 5op7
   Redwood City, CA 94070
12 Telephone: (650) 506-4846
   Facsimile: (650) 506-7114
13 dorian.daley@oracle.com
   jennifer.gloss@oracle.com
14

15 Attorneys for Plaintiffs
   Oracle Corporation, Oracle USA, Inc.,
   and Oracle International Corporation
16

17   UNITED STATES DISTRICT COURT

18   NORTHERN DISTRICT OF CALIFORNIA

                        SAN FRANCISCO DIVISION
19

20

21 ORACLE CORPORATION, a Delaware   Case No. 07-CV-01658 (MJJ)
   corporation, ORACLE USA, INC., a Colorado
   corporation, and ORACLE INTERNATIONAL   **AMENDED NOTICE OF**
22 CORPORATION, a California corporation,   **DEPOSITION OF**
                                            TOMORROWNOW, INC.
23   Plaintiffs,   **PURSUANT TO FED. R. CIV. P.**
          v.   **30(b)(6)**
24
   SAP AG, a German corporation, SAP
25 AMERICA, INC., a Delaware corporation,   Contains information designated
   TOMORROWNOW, INC., a Texas corporation, Confidential pursuant to Protective Order
26 and DOES 1-50, inclusive,

27   Defendants.

28   Case No. 07-CV-01658 (MJJ)

AMENDED NOTICE OF DEPOSITION OF TOMORROWNOW, INC. PURSUANT TO FED. R. CIV. P. 30(b)(6)
CONTAINS INFORMATION DESIGNATED CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER

A/72326874.4

1   **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD**:

2   **PLEASE TAKE NOTICE** that plaintiff Oracle Corporation ("Oracle"), through

3   its counsel, shall conduct the deposition of defendant TomorrowNow, Inc. ("You" or "SAP TN")

4   regarding the topics of examination set forth below. The deposition will be taken at the law

5   office of Holme Roberts & Owen LLP, 1700 Lincoln Street, Suite 4100, Denver, Colorado

6   80203, and will commence on the afternoon of February 6, 2008 and continue on the morning of

7   February 7, 2008, until completed (with exact times to be determined by the parties). If

8   necessary, the deposition will continue at 9:00 a.m. at the law office of Bingham McCutchen

9   LLP, Three Embarcadero Center, San Francisco, CA, 94111 on February 19, 2008. SAP TN is

10   directed, pursuant to Federal Rule of Civil Procedure 30(b)(6), to designate one or more officers,

11   directors, managing agents, or other persons who can testify on behalf of SAP TN with respect to

12   the matters set forth below.

13   The examination shall be conducted before an officer or other person authorized

14   to administer oaths pursuant to Rule 28 of the Federal Rules of Civil Procedure. The testimony

15   at the deposition will be recorded stenographically by a qualified certified shorthand reporter

16   who is authorized to administer the oath, through instant visual display means (Live Note), and

17   by video. Parties wishing to see the real time display must supply their own computer. Oracle

18   reserves the right to use the written transcript or video as evidence in the trial of this matter.

19   **DEFINITIONS**

20   For purposes of this Amended Notice of Deposition, the following definitions shall apply,

21   unless otherwise indicated:

22   1.   "Customer" refers to Your current and former customers and clients,

23   including, without limitation, all customers listed or described on Your website.

24   2.   "Customer Local Environment" means a copy of a PSFT or JDE branded

25   software release obtained from a Customer or other source which is or was at any time

26   maintained locally by TomorrowNow (as discussed by Mark Kreutz and Shelley Nelson at their

27   depositions on October 29, October 30, and December 6, 2007).

28   1   Case No. 07-CV-1658 (MJJ)

AMENDED NOTICE OF DEPOSITION OF TOMORROWNOW, INC. PURSUANT TO FED. R. CIV. P. 30(b)(6)
CONTAINS INFORMATION DESIGNATED CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER

A/72326874.4

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

3.   "Distribute" or "Distribution" means to make available to a Customer, another third party, or to another party to this action, through any means.

4.   "Download" or "Downloading" means any duplication, copying, transfer, or replication, in whole or in part, of any file, document, data, or other information from an outside source connected through the internet to a computer, server, or network that is part of another Person's computer infrastructure or subject to that Person's control.

5.   "Employee(s)" means past and present officers, executives, directors, employees, attorneys, agents, representatives, and other Persons acting or purporting to act on behalf of the entity to which the term refers.

6.   "Facilities" means any building or part of any building, structure, or real property owned, rented, leased, or controlled by You and used in any way to provide or to assist in providing software support services, including without limitation offices, call centers, Downloading facilities, training facilities, data or other storage facilities, or other places where Your Employees work.

7.   "Master Library", also referred to as a master folder, means any manner or means of storing Software and Support Materials obtained using the credentials of more than one Customer to Download them from Oracle's systems, in a pooled fashion that does not separate them into separate, client specific folders (as discussed by Mark Kreutz in his deposition on October 29, 2007).

8.   "Oracle" means plaintiffs Oracle Corporation, Oracle USA, Inc., and Oracle International Corporation, their predecessors, and their successors.

9.   "Person(s)" means, without limitation, any individual or entity.

10. "SAP America" means defendant SAP America, Inc., its predecessors, successors, employees, directors, managers, consultants, agents, and any other Person acting on its behalf.

11. "SAP AG" means defendant SAP AG, its predecessors, successors, employees, directors, managers, consultants, agents, and any other Person acting on its behalf.

2   Case No. 07-CV-1658 (MJJ)

AMENDED NOTICE OF DEPOSITION OF TOMORROWNOW, INC. PURSUANT TO FED. R. CIV. P. 30(b)(6)
CONTAINS INFORMATION DESIGNATED CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER

A/72326874.4

1   12. "SAP TN," "You," and/or "Yours" means defendant TomorrowNow, Inc., its

2   predecessors, successors, employees, directors, managers, consultants, agents, and any other

3   Person acting on its behalf.

4   13. "Software and Support Materials" means, without limitation, all program

5   updates, software updates, bug fixes, patches, custom solutions, and instructional materials,

6   created or owned by Oracle, or derived from, copied from, or based on any such materials,

7   including by SAP AG, SAP America, or SAP TN, across the entire family of PeopleSoft and JD

8   Edwards branded products.

9   14. To "Use" means to maintain, manage, store, or otherwise interact with.

10 **SCOPE OF TESTIMONY**

11 Unless otherwise stated, the time period covered by this Amended Notice of

12 Deposition shall be from January 1, 2004 to and including the date of the examination.

13 1.   Your creation and Use of Customer Local Environments, including without

14 limitation:

15   a. Your acquisition of Oracle's PSFT and JDE Software from Customers or any

16   other source;

17   b. The manner and method by which Customer Local Environments were created,

18   stored and Used by You;

19   c. The identity of all PSFT and JDE Customers for whom You created any type of

20   Customer Local Environment;

21   d. The total number of Customer Local Environments created for each identified

22   Customer;

23   e. The name, release, and version of all PSFT or JDE branded Software obtained

24   and/or copied to create each identified Customer Local Environment;

25   f. The identity and description of all Customer Local Environments maintained in

26   any way by You relating to Customers for whom You had ceased to provide

27   support services;

28   3

Case No. 07-CV-1658 (MJJ)

AMENDED NOTICE OF DEPOSITION OF TOMORROWNOW, INC. PURSUANT TO FED. R. CIV. P. 30(b)(6)
CONTAINS INFORMATION DESIGNATED CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER

A/72326874.4

g. The identity and description of all Customer Local Environments Used by You in any way to support any Customer other than the one that provided the Software Used to create the Customer Local Environment;

h. The "off-boarding" process relating to Customer Local Environments for Customers who leave SAP TN support, including without limitation: 1) whether copies of any Customer Local Environments are destroyed or deleted; 2) the manner and method for creating any back-up of the Customer Local Environment; and 3) the storage of any created back-up for any Customer Local Environment;

i. Any instances in which a backed-up Customer Local Environment was restored, including without limitation any instance in which a back-up of a Customer Local Environment was restored for a Customer that left SAP TN support but later returned;

j. A description of all methods and means You Used with any Customer Local Environment to support any Customer other than the one that provided the Software Used to create that Customer Local Environment;

k. All ways in which You supported any Customer using a Customer Local Environment created with Software obtained from a different Customer, including without limitation the name, description, date created, date delivered, exact recipients, and identities of all involved SAP TN personnel and, of any Support Material created, developed, or modified for one Customer using a Customer Local Environment created with Software from a different Customer;

l. The process by which Customer Local Environments were Used as part of the ordinary course of business for SAP TN, including without limitation to on-boarding of new Customers; support of Customer cases, issues, and problems; reactive and proactive development of bug fixes, updates, patches, explanations, or regulatory changes for Customers; research into and design of those changes; troubleshooting for Customers; and testing of other operating system levels;

4   Case No. 07-CV-1658 (MJJ)

AMENDED NOTICE OF DEPOSITION OF TOMORROWNOW, INC. PURSUANT TO FED. R. CIV. P. 30(b)(6)
CONTAINS INFORMATION DESIGNATED CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER

A/72326874.4

m. Any instance in which the existence and Use of Customer Local Environments was communicated to anyone at SAP AG or SAP America, including during the negotiation of the acquisition by SAP AG or SAP America of SAP TN.

n. Any instance in which anyone from SAP AG or SAP America was given or had access to any Customer Local Environment or any Support Material created using such Customer Local Environment; and

o. All policies, and communications with Customers, relating to the creation and Use of Customer Local Environments.

2. The creation and Use of the Master Library in which Downloads of Customers Kountz Wagner or Praxair were stored, and any similar or equivalent Master Library for any PSFT Customers, including without limitation:

a. The process by which the Master Library was created;

b. The process by which it was Used;

c. How and where the Master Library was stored;

d. Any possible back-up of the Master Library after Customer-specific folders were created, including the AA Cleanup folder and possible local storage;

e. The process by which Downloads in the Master Library were identified; and

f. The process by which Downloads from the pooled Master Library were split and copied into Customer-specific folders, including without limitation documents related to the splitting process and identification of the SAP TN team members who were involved in the splitting process.

g. The creation and Use of Information Station.

3. The source code that is "exploded" on the AS/400, as described by Mark Kreutz at his deposition on October 30, 2007, including without limitation:

a. The movement of Downloaded items from Customer libraries to the AS/400;

b. The manner, method, and purpose of "exploding" Downloaded items;

c. The purpose of creating a list of objects resulting from the explosion process to

5   Case No. 07-CV-1658 (MJJ)

AMENDED NOTICE OF DEPOSITION OF TOMORROWNOW, INC. PURSUANT TO FED. R. CIV. P. 30(b)(6)
CONTAINS INFORMATION DESIGNATED CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER

A/72326874.4

1   bring back to the Customer's Download libraries and indexing with Information

2   Station;

3   d. The Use for any purpose of the exploded files on AS/400;

4   e. Any instances in which any source code on the AS/400 was Used in any way by

5   SAP TN;

6   f. How source code on the AS/400 is identified by Customer, if at all.

7

8   DATED: January 22, 2008

9

10   By: _____

                                                   Bree Hann
                                         BINGHAM MCCUTCHEN LLP
11   Three Embarcadero Center
                                          San Francisco, CA 94111-4067
12   Telephone: (415) 393-2000
                                          Facsimile: (415) 393-2286
13   bree.hann@bingham.com
                                          Attorneys for Plaintiffs
14   Oracle Corporation, Oracle USA, Inc.,
                                          and Oracle International Corporation
15

16

17

18

19

20

21

22

23

24

25

26

27

28
                                   6   Case No. 07-CV-1658 (MJJ)

AMENDED NOTICE OF DEPOSITION OF TOMORROWNOW, INC. PURSUANT TO FED. R. CIV. P. 30(b)(6)
CONTAINS INFORMATION DESIGNATED CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER

A/72326874.4

PROOF OF SERVICE

I am over 18 years of age, not a party to this action and employed in the County of San Francisco, California at Three Embarcadero Center, San Francisco, California 94111-4067. I am readily familiar with the practice of this office for collection and processing of correspondence by U.S. Mail and Electronic Mail, and they are deposited and/or sent that same day in the ordinary course of business.

Today I served the following documents:

AMENDED NOTICE OF DEPOSITION OF TOMORROWNOW, INC. PURSUANT TO FED. R. CIV. P. 30(b)(6)

☒ (BY ELECTRONIC MAIL) by transmitting via electronic mail document(s) in portable document format (PDF) listed below to the email address set forth below on this date.

☒ (BY MAIL) by causing a true and correct copy of the above to be placed in the United States Mail at San Francisco, California in sealed envelope(s) with postage prepaid, addressed as set forth below. I am readily familiar with this law firm's practice for collection and processing of correspondence for mailing with the United States Postal Service. Correspondence is deposited with the United States Postal Service the same day it is left for collection and processing in the ordinary course of business.

Robert A. Mittelstaedt, Esq.
Jones Day
555 California Street
26th Floor
San Francisco, CA 94104
Tel: (415) 626.3939

ramittelstaedt@JonesDay.com

Tharan Gregory Lanier, Esq.
Jane L. Froyd, Esq.
Jones Day
1755 Embarcadero Road
Palo Alto, CA 94303
Tel: (650) 739-3939

tglanier@JonesDay.com
jfroyd@JonesDay.com

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made and that this declaration was executed on January 22, 2008, at San Francisco, California.

_____
Joyce Holman

7

Case No. 07-CV-1658 (MJJ)

AMENDED NOTICE OF DEPOSITION OF TOMORROWNOW, INC. PURSUANT TO FED. R. CIV. P. 30(b)(6)
CONTAINS INFORMATION DESIGNATED CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER

A/72326874.4