Exhibit E

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IN THE UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

Case No. 07-CV-01658 (MJJ)

ORACLE CORPORATION, a Delaware corporation, ORACLE

USA, INC., a Colorado corporation, and ORACLE

INTERNATIONAL CORPORATION, a California corporation,

Plaintiffs,

v.

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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VIDEOTAPE RULE 30(b)(6) DEPOSITION OF:

JOHN M. BAUGH - February 6, 2008

TomorrowNow, Inc.

(Highly Confidential - Attorneys' Eyes Only)

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PURSUANT TO NOTICE, the Videotape Rule

30(b)(6) deposition of JOHN M. BAUGH was taken on

behalf of the Plaintiffs at 1700 Lincoln Street, Suite

4100, Denver, Colorado 80203, on February 6, 2008, at

17 p.m., before Sandra L. Bray, Registered Diplomate

Reporter, Certified Realtime Reporter, and Notary Public

within Colorado.

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1   Q.   The BakTrak database that you referred

2   to, could you describe what that is?

3   A.   That's a database we developed in-house

4   to track the backups and restores that we had made of

5   each environment.

6   Q.   Is it used for any other purpose?

7   A.   Yes. We also track what we call our

8   check-in/check-out process.

9   Q.   Anything else?

10   A.   It also would -- there's a table in

11   there that keeps track of the environments and which

12   ones are running.

13   Q.   Anything else?

14   A.   Well, now that we have some remote

15   environments, it also contains the client's name or --

16   actually, not the name, but the three-digit client

17   designation so we can track which backups are related

18   to which client.

19   Q.   When did TomorrowNow start using the

20   BakTrak system?

21   A.   I'm not sure when that started.

22   Q.   Was it after you started your employ at

23   TomorrowNow?

24   A.   Yes. I just don't recall the exact time

25   frame they started using it.

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1   those as a matter of routine?

2   A. Those are also by request.

3   Q. And do you have a sense of approximately

4   what percentage of times when a regulatory update is

5   created a backup is made of that environment?

6   A. The majority of time, it should be.

7   Q. How many backups of environments exist

8   for customers who have offboarded and left TomorrowNow

9   approximately?

10   A. I really don't have any way of knowing

11   that without looking for a specific customer. It

12   would depend on if they received regulatory updates.

13   If they did receive regulatory updates, it would

14   depend on how many they've received from us, how long

15   they'd been clients, and how often that was requested.

16   Q. Well, I mean, you have a sense of how

17   many backup environments there are in total?

18   A. How many backups we have in total?

19   Q. Yes.

20   A. No, I really don't have any sense other

21   than the number in BakTrak should be fairly close.

22   Q. And what's that number?

23   A. I don't remember how many rows were in

24   the backup table.

25   Q. Thousands, though, right?

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1   A. Thousands, yes.

2   Q. And of those, do you have any sense of

3   how many of them pertain to customers who have left

4   TomorrowNow?

5   A. I really don't have any idea of that

6   number.

7   Q. Is that something BakTrak can tell us,

8   which ones pertain to current customers and which ones

9   pertain to former customers?

10   A. The BakTrak would tie the backup --

11   would give us that customer's PSHome name. You could

12   take that PSHome name or designation and go to either

13   Pathfinder or the SAS Environment Portal, get the

14   customer's name and product line, and then you could

15   go to SAS Enterprise and find out when that customer

16   was actually -- what their dates of service would be.

17   Q. And you'd have to do that for each of

18   the more than couple thousand lines that show the

19   backed-up environments?

20   A. If you wanted to tie those back to

21   terminated customers?

22   Q. Yes.

23   A. Yeah.

24   Q. Has a backed-up environment for a former

25   customer ever been restored for use by anybody at

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1   copies of that customer's PeopleSoft software as

2   testified by Shelley Nelson," the citation, "identify

3   the customer, identify each product name and release

4   copied to create the local environment, and state the

5   total number of local environments created for the

6   customer." And then the answer is some objections,

7   and here's the answer: "TomorrowNow has maintained

8   approximately 183 PeopleSoft environments on behalf of

9   approximately 122 different customers," and then it

10   goes on to say which products those environments were

11   created for.

12   Is that, to your current understanding,

13   an accurate answer, that TomorrowNow has maintained

14   approximately 183 PeopleSoft environments on behalf of

15   approximately 122 different customers?

16   MR. FUCHS: Objection, form.

17   A. I don't know for certain how many

18   customers we've had.

19   Q. Let put aside the customers. Is that an

20   accurate answer with respect to how many PeopleSoft

21   environments TomorrowNow has maintained?

22   A. Could you read me that piece of it

23   again?

24   Q. "TomorrowNow has maintained

25   approximately 183 PeopleSoft environments on behalf of

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1   approximately 122 different customers."

2   A. No, based on the research, that's not an

3   accurate number.

4   Q. And, in fact, really even the

5   environments reflected on Exhibit 31, the 227, that's

6   not all of them either, right?

7   A. That's correct.

8   Q. To get the total number, you've got to

9   look at this BakTrak reporting that you generated to

10   include the backup environments and all of the total

11   environments?

12   A. Yes.

13   Q. And that's the several thousand number

14   that we talked about?

15   MR. FUCHS: Objection, form.

16   A. No, that would not be correct. We have

17   not had several thousand environments.

18   Q. What's your best understanding of what

19   the total number of environments that PeopleSoft has

20   ever -- that TomorrowNow has ever maintained of

21   PeopleSoft applications?

22   MR. FUCHS: Objection, form.

23   A. It's my understanding that TomorrowNow

24   has had a little over 300 environments on our hardware

25   at one time.