

EXHIBIT K

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16 UNITED STATES DISTRICT COURT
 17 NORTHERN DISTRICT OF CALIFORNIA
 18 SAN FRANCISCO DIVISION

19 ORACLE USA, INC., *et al.*,
 20 Plaintiffs,
 21 v.
 22 SAP AG, *et al.*,
 23 Defendants.

CASE NO. 07-CV-01658 PJH (EDL)
**PLAINTIFFS' RESPONSES AND
 OBJECTIONS TO DEFENDANTS'
 THIRD NOTICE OF DEPOSITION
 OF PLAINTIFF ORACLE USA, INC.
 PURSUANT TO FED. R. CIV. P.
 30(B)(6)**

Date: May 29, 2009
 Time: 9:00 A.M.
 Place: Jones Day
 555 California Street, 26th Floor
 San Francisco, CA 94104

1 had extensive corporate testimony on Oracle's systems. Oracle notes that the persons more
 2 knowledgeable on the three types of reports are located in Denver and England and scheduling
 3 their depositions given their geographies will be difficult in the remaining time before the
 4 discovery cut-off. Oracle is willing to discuss how, if at all, these depositions can be scheduled.

5 **TOPIC NO. 2 - Charts of Accounts:**

6 An explanation of the accounts listed in the charts of accounts produced by Oracle in this
 7 case and the relationship between those accounts and the associated general ledgers.

8 **RESPONSE TO TOPIC NO. 2:**

9 Oracle incorporates its General Objections here by reference. In particular, Oracle
 10 objects to this topic on the grounds that it is overbroad and burdensome -- given the scope of the
 11 Charts of Accounts and the scope of the years for which those Charts of Accounts were
 12 produced. Oracle cannot and will not provide Rule 30(b)(6) testimony regarding the Charts of
 13 Accounts of legacy companies prior to Oracle's relationship with them. Even as to the Oracle
 14 Charts of Accounts produced, the request is burdensome; no single person can know everything
 15 about every account on these vast lists. Moreover, the request is vague, and ambiguous in its use
 16 of the undefined terms "An explanation of", and "relationship between." Oracle further objects
 17 to this topic to the extent it seeks information concerning non-plaintiff entities. Oracle further
 18 objects to this topic to the extent that it calls for legal conclusions, expert testimony, or
 19 information protected by any applicable privilege, protection, or immunity.

20 Subject to Oracle's general and specific objections, Oracle offers Alex San Juan in his
 21 individual capacity -- not as a corporate deponent -- to testify about the Charts of Accounts
 22 Oracle produced. Mr. San Juan is already scheduled for an individual deposition on June 19,
 23 2009.

24 **TOPIC NO. 3 - Support Policies for PeopleSoft and JDE Products:**

25 A. The terms of Oracle's Lifetime Support Policy, including Premier Support,
 26 Extended Support, and Sustaining Support levels.

27 B. The time period for which the Lifetime Support Policy has been in effect and how
 28 it has changed over time, if at all.

1 **TOPIC NO. 12 - PeopleSoft’s July 10, 2002 Cease and Desist Letter to TomorrowNow:**

2 A. The facts relating to PeopleSoft’s July 10, 2002 letter to TomorrowNow (the
3 “2002 Cease and Desist Letter”), including the reasons why PeopleSoft sent the letter and the
4 identities of the individuals involved in the decision to send the letter.


5 B. The facts relating to TomorrowNow’s July 27, 2002 response to the “2002 Cease
6 and Desist Letter,” including what actions, if any, PeopleSoft took in response to TomorrowNow
7 letter, the identities of the individuals involved in the actions, and the reasons for the actions.

8 **RESPONSE TO TOPIC NO. 12:**

9 Oracle incorporates its General Objections here by reference. Oracle objects to this
10 request in its entirety in that it calls for testimony regarding PeopleSoft on matters occurring
11 prior to Oracle’s acquisition of PeopleSoft. Oracle cannot offer a corporate witness to testify on
12 matters occurring prior to this acquisition. Indeed, any knowledgeable witnesses are not Oracle
13 employees (e.g., the PeopleSoft attorney who authored the referenced letter and former
14 PeopleSoft attorney, Scott Trainor, are now at SAP). In addition, the request seeks to invade the
15 attorney/client and work product privileges of Oracle’s predecessor company.

16 DATED: May 26, 2009

BINGHAM McCUTCHEN LLP

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19 By: 
20 Holly House
21 Attorneys for Plaintiffs
22 Oracle USA, Inc., Oracle International
23 Corporation, and Oracle EMEA Limited
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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 document(s):

PLAINTIFFS' RESPONSES AND OBJECTIONS TO DEFENDANTS' "THIRD" NOTICE OF DEPOSITION OF PLAINTIFF ORACLE USA, 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.

(EXPRESS MAIL/OVERNIGHT DELIVERY) by causing a true and correct copy of the document(s) listed above to be delivered by FedEx in sealed envelope(s) with all fees prepaid at the addresses set forth below.

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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 May 26, 2009, at San Francisco, California.



Jim Brossard