

EXHIBIT C-2

EDWARD ABBO June 29, 2009
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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 DEPOSITION OF
EDWARD ABBO

MONDAY, JUNE 29, 2009

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REPORTED BY: HOLLY THUMAN, CSR No. 6834, RMR, CRR
(1-420746)

14:58:02 9 Q. And then you -- then you say, you assume
14:58:08 10 that the customer, Pomeroy is augmenting rather than
14:58:14 11 replacing its existing support with test services
14:58:17 12 from TomorrowNow.

14:58:18 13 What's your reference to test services?

14:58:21 14 A. Well, again, I -- you know, and when I
14:58:25 15 reread this article today, I notice -- let me see
14:58:36 16 where I keyed that from.

14:58:49 17 Q. Is it down in the -- almost the last
14:58:52 18 paragraph there on the page you're look at, on
14:58:55 19 page -2 of 3?

14:58:57 20 A. Yeah. TomorrowNow set up a test
14:58:59 21 environment at its own site that mirrored Pomeroy's.
14:59:02 22 That way, when the solution was ready, it was
14:59:05 23 straightforward to implement on Pomeroy's systems.

14:59:07 24 Q. So is that what you're referencing in your
14:59:10 25 email to Holger here?

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14:59:11 1 A. Yeah, I -- and again, this is me
14:59:13 2 speculating what may be going on, because I hadn't
14:59:16 3 really talked to Pomeroy, nor had I any interaction
14:59:22 4 with TomorrowNow.

14:59:22 5 But I was interpreting from this article
14:59:24 6 that they -- you know, we were -- Oracle is the only
14:59:32 7 organization that can actually produce the fix to
14:59:36 8 the IE browser change, and what possibly Pomeroy was
14:59:44 9 having TomorrowNow do was to test that fix before
14:59:49 10 they took it.

14:59:50 11 Q. Presumably, at the test environment that
14:59:54 12 this article references that TomorrowNow had set up
14:59:58 13 at its own site that mirrored Pomeroy's. Correct?

15:00:02 14 A. That's --

15:00:02 15 MS. HOUSE: Lacks foundation.

15:00:03 16 THE WITNESS: -- again, all speculative.

15:00:05 17 MR. COWAN: Q. Well, you say speculative
15:00:07 18 on your part. But this is what you were reading
15:00:08 19 back then in this article. Right?

15:00:10 20 A. That's correct. I read that in the article
15:00:12 21 and made some -- what's the right term --
15:00:27 22 conjectures that I put down on this note.

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1 CERTIFICATE OF REPORTER

2 I, HOLLY THUMAN, a Certified Shorthand
3 Reporter, hereby certify that the witness in the
4 foregoing deposition was by me duly sworn to tell
5 the truth, the whole truth, and nothing but the
6 truth in the within-entitled cause;

7 That said deposition was taken down in
8 shorthand by me, a disinterested person, at the time
9 and place therein state, and that the testimony of
10 said witness was thereafter reduced to typewriting,
11 by computer, under my direction and supervision;

12 That before completion of the deposition review
13 of the transcript [X] was [] was not requested. If
14 requested, any changes made by the deponent (and
15 provided to the reporter) during the period allowed
16 are appended hereto.

17 I further certify that I am not of counsel or
18 attorney for either or any of the parties to the
19 said deposition, nor in any way interested in the
20 event of this cause, and that I am not related to
21 any of the parties thereto.

22
23 DATED: _____

24 _____
25 HOLLY THUMAN, CSR

Merrill Legal Solutions
(800) 869-9132

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1 July 6, 2009

2 EDWARD ABBO

3 c/o: HOLLY HOUSE, Attorney at Law

4 BINGHAM McCUTCHEN

 Three Embarcadero Center

5 San Francisco, California 94111

6 RE: Oracle vs. SAP AG, et al.

7 Dear Mr. Abbo:

8

 Please be advised that the original transcript of
9 your deposition taken June 29, 2009 in the
 above-entitled matter is available for reading and
10 signing. The original transcript will be held at
 the offices of:

11

 Merrill Legal Solutions

12

 135 Main Street, 4th Floor

 San Francisco, CA 94105

13

 (415) 357-4300

14

 for thirty (30) days in accordance with Federal
15 Rules of Civil Procedure Section 30(e). If you do
 not sign your deposition within 30 days, it may be
16 used as fully as though signed.

16

17 If you are represented by counsel in this matter,
 you may wish to ask your attorney how to proceed.
18 If you are not represented by counsel and wish to
 review your transcript, please contact our office
19 for a mutually convenient appointment to review your
 deposition.

20

 Thank you for your cooperation in this matter.

21

 Sincerely yours,

22

23

 Holly Thuman, CSR 6834

24

25

 cc: Original Transcript
 All counsel

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(800) 869-9132