

# **EXHIBIT C-2**

EDWARD ABBO June 29, 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 DEPOSITION OF  
EDWARD ABBO

\_\_\_\_\_  
MONDAY, JUNE 29, 2009

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

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

EDWARD ABBO                      June 29, 2009  
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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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