

EXHIBIT B

LARRY ELLISON May 5, 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
LARRY ELLISON

TUESDAY, MAY 5, 2009

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

REPORTED BY: HOLLY THUMAN, CSR No. 6834, RMR, CRR

(1-418128)

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12:25:38 1

12:25:39 2

12:25:40 3

12:25:41 4

12:25:43 5

12:25:45 6

12:25:47 7

12:25:49 8 Q. I'm done with this document. We're going
12:25:51 9 to let you look at another one. It's also one that
12:25:54 10 has not yet been marked, so it will become
12:25:58 11 Exhibit 400. It was produced by Oracle. It bears
12:26:01 12 the production numbers ORCL223497 through -531. It
12:26:07 13 looks like a transcript of at least part of a video
12:26:10 14 presentation titled, "Oracle and PeopleSoft --
12:26:12 15 Better Together," January 18th, 2005.

12:26:15 16 I'm going to ask you about a couple of
12:26:17 17 specific pieces in it, not the whole thing. You'll
12:26:21 18 see a copy in a moment.

12:26:22 19 (Deposition Exhibit 400 was marked for
12:26:32 20 identification.)

12:26:35 21 MR. LANIER: Q. Mr. Ellison, Exhibit 400
12:26:36 22 is in front of you. You have every right to look at
12:26:40 23 it as much or as little as you want. I'm going to
12:26:42 24 direct you to a couple of specific places, which I'm
12:26:45 25 ready to start doing now, but if you want to look at

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12:26:49 1 it before, just tell me, and I'll let you do that.

12:26:54 2 A. Okay. Who is this -- okay. Is this --

12:26:58 3 this says video presentation.

12:27:00 4 Q. There's a video presentation. There are

12:27:02 5 different speakers. There's a point where it's

12:27:05 6 represented that you are the speaker. I'm going to

12:27:07 7 point you there eventually.

12:27:08 8 A. So I'm the speaker. All right.

12:27:10 9 Q. I don't know that you're the speaker at the

12:27:15 10 beginning here on the video presentation.

12:27:17 11 If you'll notice on page --

12:27:18 12 A. It doesn't sound like me, okay.

12:27:20 13 Q. I don't know if it is. I'm not going to

12:27:21 14 ask you about any of that.

12:27:23 15 A. All right.

12:27:23 16 Q. On page 5, up at the top right corner, it

12:27:26 17 says, "Larry Ellison," and you start off saying,

12:27:31 18 "Thank you, Safra," and then the next several pages,

12:27:33 19 I believe the rest of this, are, according to this

12:27:36 20 transcript, your comments. So I'm going to ask you

12:27:39 21 about a couple of things in here.

12:27:42 22 First off, general question: Do you recall

12:27:43 23 the speech or presentation that this is supposedly a

12:27:48 24 transcript of?

12:27:49 25 A. No. I don't doubt that it's -- you know,

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12:27:53 1 it's -- I don't doubt it's something. I'm not sure

12:28:00 2 what it is. Okay.

12:28:02 3 Q. Do you recall that on January 18th, 2005 --

12:28:05 4 well, do you recall that was right about the time of

12:28:08 5 the completion of the PeopleSoft acquisition?

12:28:09 6 A. Yes.

12:28:10 7 Q. And do you recall doing a presentation with

12:28:12 8 Ms. Catz and potentially a video or some other

12:28:15 9 presentation to a whole lot of people?

12:28:18 10 A. I don't specifically recall it.

12:28:20 11 Q. I am going to ask you about a couple of

12:28:22 12 pieces in here, and we'll see if that refreshes your

12:28:25 13 recollection.

12:28:26 14 In page -- on page 11 -- I'll represent to

12:28:31 15 you, sir, this is still within the section that

12:28:33 16 is --

12:28:33 17 A. Can I read it --

12:28:35 18 Q. Please.

12:28:35 19 A. -- take a couple seconds to look at this?

12:28:37 20 Q. Take your time. I'm going to direct you to

12:28:40 21 page 11, when you are ready.

12:28:42 22 A. Okay. (Examining document.)

12:29:05 23 Okay, yeah, sounds like me.

12:29:08 24 Q. Thank you, sir.

12:29:09 25 A. So I believe this transcript -- go to page

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12:29:11 1 11?

12:29:12 2 Q. Page 11, please.

12:29:14 3 A. All right.

12:29:15 4 Q. So the second paragraph that starts on page

12:29:18 5 11 starts, "Again, there's very small" -- just for

12:29:21 6 the record, I'm just going to read it in. You can

12:29:23 7 read it to yourself:

12:29:25 8 "There is very small, there are little

12:29:27 9 pieces of technology embedded in the

12:29:28 10 PeopleSoft -- this is also true of the Oracle

12:29:31 11 application suite. We have little pieces of

12:29:35 12 technology we acquire from small companies,

12:29:36 13 and we're always concerned to be overly

12:29:38 14 dependent upon those pieces of technology,

12:29:39 15 because we don't know if we can accurately

12:29:42 16 predict the longevity of those companies."

12:29:45 17 Do you see that?

12:29:46 18 A. Yes. Longevity.

12:29:47 19 Q. Thank you. Can you recall saying things

12:29:48 20 like that around the closing of the PeopleSoft

12:29:50 21 acquisition?

12:29:50 22 A. I do.

12:29:52 23

12:29:54 24

12:29:56 25

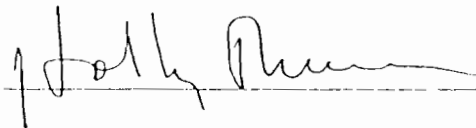
1 CERTIFICATE OF REPORTER

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 the
5 truth, the whole truth, and nothing but the truth in the
6 within-entitled cause; that said deposition was taken
7 down in shorthand by me, a disinterested person, at the
8 time and place therein stated, and that the testimony of
9 the said witness was thereafter reduced to typewriting,
10 by computer, under my direction and supervision;

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

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

21
22 DATED May 11, 2009

23
24 
25 HOLLY THUMAN, CSR No. 6834