

EXHIBIT 13

IN THE 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.)
))
SAP AG, a German corporation,)
SAP AMERICA, INC., a Delaware)
Corporation, TOMORROWNOW,)
INC., a Texas corporation,)
And DOES 1-50, inclusive,)
))
Defendant.)
_____)

Case No.
07-CV-01685
PJH (EDL)

VIDEOTAPED DEPOSITION UPON
ORAL EXAMINATION
OF
LEO APOTHEKER

Taken on:

Thursday, October 2, 2008
Commencing at 8:58 a.m.

Taken at:

American Consulate General
Special Consular Services,
Giessener Strasse 30
60435 Frankfurt am Main, Germany

REPORTED BY: FREDERICK WEISS, CSR, CM

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Q. Is Oracle a focus of SAP's

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competitive work in the field?

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A. As much as they are a competitor,

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yes.

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Q. Are they SAP's number one

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competitor?

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A. They are our largest competitor,

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yes.

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Q. What has been the cumulative effect on SAP of Oracle's acquisitions?

A. That Oracle has become a significantly larger competitor than it was before

10:16:11 1 it started all of these acquisitions.

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Q. Let me turn now to a new topic, although related in many ways to all topics, this would be the acquisition of TomorrowNow.


Do you recall whether there was any specific purpose that SAP had in mind when it acquired TomorrowNow?

A. The acquisition of TomorrowNow was meant to facilitate the movement of customers who so desired to move away from PeopleSoft -- from PeopleSoft software in that particular case to SAP.

1 I, Leo Apotheker, am a deponent in the
2 foregoing video deposition. I have read the
3 foregoing video deposition, and having made such
4 changes and corrections as I desired, I certify
5 that the transcript is a true and accurate record
6 of my responses to the questions put to me on
7 Thursday, October 2, 2008.

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Signed



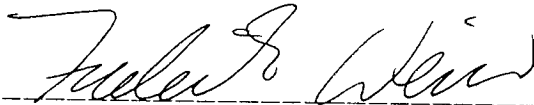
LEO APOTHEKER

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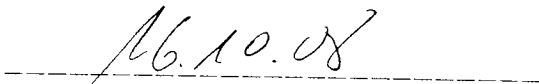
CERTIFICATE OF COURT REPORTER

I, Frederick Weiss, CSR, CM, do hereby certify that I took the stenotype notes of the foregoing deposition and that the transcript thereof is a true and accurate record transcribed to the best of my skill and ability.

I further certify that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken, and that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of the action.



FREDERICK WEISS, CSR, CM



DATE