

EXHIBIT 36

LARRY ELLISON May 5, 2009
HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

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)

10:39:49 1

10:39:49 2 Q. Do you have any estimate of your own --
10:39:50 3 don't tell me what the lawyers have told you -- but
10:39:53 4 any estimate of your own of how many customers fall
10:39:56 5 into those two categories of customers that you
10:39:58 6 mentioned?

10:40:03 7 A. You'd have to -- I guess we'd have to look
10:40:06 8 at every deal that -- we'd have to talk to every
10:40:09 9 customer and figure out what -- you know, what --
10:40:14 10 you know, how they made the decision to buy SAP
10:40:17 11 rather than buy Oracle, or buy DB2, and -- you know,
10:40:21 12 what influenced them to make those decisions.

10:40:25 13 The other thing I'd like to add is, when we
10:40:28 14 lose a deal with a customer, a transaction, they
10:40:31 15 decide to buy SAP Accounting rather than Oracle
10:40:34 16 Accounting, for example, and then they pay a million
10:40:36 17 dollars to SAP, that million dollars does really not
10:40:40 18 tell the whole story.

10:40:41 19 Once they've made a design decision for
10:40:43 20 Oracle or SAP, that customer continues to buy from
10:40:46 21 Oracle or SAP for the next 20 years, probably. And
10:40:50 22 a million-dollar deal, if you look at how much --
10:40:52 23 you know, once you acquire the customer, that
10:40:57 24 customer is worth tens of millions of dollars, not
10:41:01 25 that first million-dollar transaction -- that first

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10:41:04 1 million-dollar transaction is just the beginning of
10:41:06 2 the relationship.

10:41:07 3 So when we lose customers to SAP, we lose
10:41:09 4 them for a decade or two.

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10:42:00 22

10:42:02 23

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10:42:07 25 What period of time is that?

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13:40:57

1

THE VIDEO OPERATOR: This marks the end of

13:40:58

2

Videotape No. 2 in the deposition of Larry Ellison.

13:41:01

3

Going off the record, the time now is 1:41.

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(Time noted, 1:41 p.m.)

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6

I declare under penalty of perjury that

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7

the foregoing is true and correct. Subscribed at

13:41:09

8

_____, California, this ____ day of

13:41:09

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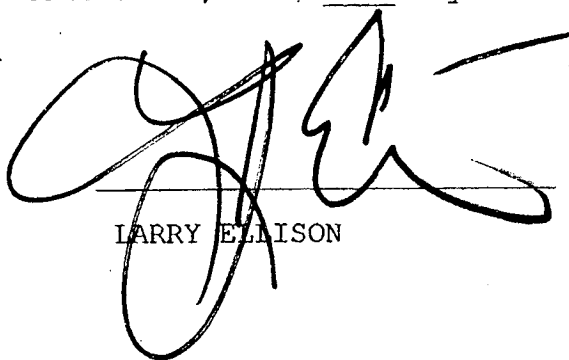
_____ 2009.

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LARRY ELLISON

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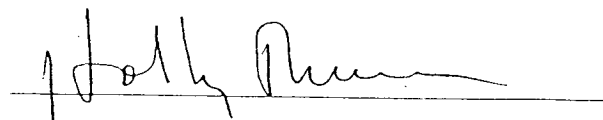
CERTIFICATE OF REPORTER

I, HOLLY THUMAN, a Certified Shorthand Reporter, hereby certify that the witness in the foregoing deposition was by me duly sworn to tell the truth, the whole truth, and nothing but the truth in the within-entitled cause; that said deposition was taken down in shorthand by me, a disinterested person, at the time and place therein stated, and that the testimony of the said witness was thereafter reduced to typewriting, by computer, under my direction and supervision;

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

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

DATED May 11, 2009.


HOLLY THUMAN, CSR No. 6834