

EXHIBIT K

1 []ALSO PRESENT PETER ALLEN.
2 VIDEOGRAPHER: WE'RE ON THE VIDEOTAPE
3 RECORD. MY NAME IS ANGELA EDWARDS,
4 THE VIDEO TECHNICIAN THE COURT
5 REPORTER IS ROBYN BARRETT. WE ARE
6 HERE TODAY TO TAKE THE DEPOSITION OF
7 MR. JEFFREY O'DONNEL AT 300 WEST
8 VINE STREET IN LEXINGTON, KENTUCKY.
9 THIS DEPOSITION IS APPROXIMATING
10 TAKEN PURSUANT TO NOTICE IN THE
11 NORTHERN DISTRICT OF CALIFORNIA,
12 STYLED ORACLE CORPORATION A DELAWARE
13 CORPORATION ET AL. VERSUS SAP AG A
14 GERMAN CORPORATION ET AL. THE DATE
15 IS SEPTEMBER 15TH, 2009 AND THE TIME
16 IS 9:11 A.M. COUNSEL WILL NOW
17 INTRODUCE THEMSELVES AND STATE WHO
18 THEY REPRESENT, PLEASE.
19 MS. RIGGS: JENNY RIGGS FOR THE
20 DEFENDANTS SAP.
21 MR. ALLEN: PETER ALLEN FOR LEXMARK.
22 MR. LOY: STEVEN LOY FOR LEXMARK.
23 MS. MACDONALD: LUCIA MACDONALD FOR
24 PLAINTIFFS ORACLE.
25 (REPORTER SWEARS THE WITNESS.)

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Q WHEN SELECTING SAP, WHAT ROLE, IF ANY, DID
THE EXISTENCE OF TOMORROWNOW HAVE TO DO WITH
LEXMARK'S DECISION TO TRANSITION TO SAP?