

EXHIBIT L

CHARLES MATHIJS WIJNAND HOMS February 26, 2009
HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Page 1

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
CHARLES MATHIJS WIJNAND HOMS

THURSDAY, FEBRUARY 26, 2009

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

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

(1-416457)

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Q. And so you believe it to be an accurate statement that -- at least as of March 23rd, 2006, that half of the 19 participants in the Safe Passage program that you identified had actually moved to SAP before the Safe Passage program was created?

A. Yes. But that wasn't really the reason why we mentioned that.

Q. Why did you mention that?

A. The effect of the entire program was the fear, uncertainty and doubt that SAP created around Oracle as a brand name and Oracle as a company. So it had a much broader effect on the market than just a number of companies that were leaving Oracle to get support somewhere else that was a bit cheaper.

So it kept -- it effectively meant that we could no longer upsell to these companies, but it

15:20:07 1 also meant that we were losing deals, because some
15:20:10 2 companies that were not Oracle customers yet
15:20:12 3 believed that they would maybe run the risk to buy
15:20:16 4 an Oracle product that would subsequently be
15:20:19 5 ditched.

15:20:45 6 Q. And to you, that was a much bigger problem
15:20:48 7 than the Safe Passage offering?

15:20:57 8 MS. HOUSE: Objection. Vague.

15:21:02 9 THE WITNESS: The fear, uncertainty and
15:21:03 10 doubt that SAP created by both TomorrowNow as well
15:21:07 11 as Safe Passage had the potentially much more
15:21:12 12 significant effect on Oracle than the support
15:21:19 13 revenues that we were potentially losing.

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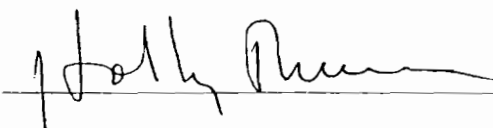
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1 CERTIFICATE OF REPORTER
2 I, HOLLY THUMAN, a Certified Shorthand
3 Reporter, hereby certify that the witness in the
4 foregoing deposition was by me duly sworn to tell the
5 truth, the whole truth, and nothing but the truth in the
6 within-entitled 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 [X] 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 March 3rd, 2009
23
24 
25 HOLLY THUMAN, CSR No. 6834