

EXHIBIT E

HENNING KAGERMANN September 25, 2008

HIGHLY CONFIDENTIAL

Page 1

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

```
-----x
ORACLE CORPORATION, a Delaware :
corporation; ORACLE USA, INC., :
a Colorado corporation; and    :
ORACLE INTERNATIONAL          :
CORPORATION, a California     :
corporation,                   :
                                :
                Plaintiffs,    :   No. 07-CV-1658
                                :   (PJH) (EDL)
                                :
vs.                             :
                                :
SAP AG, a German corporation;  :
SAP AMERICA INC., a Delaware  :
corporation; TOMORROWNOW, INC., :
a Texas corporation; and DOES  :
1-50, inclusive,              :
                                :
                Defendants.    :
-----x
```

September 25, 2008
9:14 a.m.

HIGHLY CONFIDENTIAL
VOLUME 1

Videotaped Deposition of HENNING
KAGERMANN, held at the offices of BINGHAM
McCUTCHEEN LLP, 399 Park Avenue, New York, New
York, before Frank J. Bas, a Registered
Professional Reporter and Notary Public of the
State of New York.

Merrill Legal Solutions
(800) 869-9132

HENNING KAGERMANN September 25, 2008

HIGHLY CONFIDENTIAL

Page 167

16:16:21

25

Q. Do you agree with the conclusion

Merrill Legal Solutions
(800) 869-9132

HENNING KAGERMANN September 25, 2008

HIGHLY CONFIDENTIAL

Page 168

1 HIGHLY CONFIDENTIAL - H. KAGERMANN

16:16:22 2 here on Slide 8 that Oracle is a dangerous

16:16:25 3 competitor?

16:16:32 4 A. I agree, but I wouldn't use the word

16:16:46 5 "dangerous."

16:16:47 6 Q. What word would you use?

16:16:49 7 A. Our main competitor.

HENNING KAGERMANN September 25, 2008
HIGHLY CONFIDENTIAL

Page 222

1 HIGHLY CONFIDENTIAL - H. KAGERMANN

18:01:43 2 MR. HOWARD: Let's end for today.

18:01:46 3 THE VIDEO OPERATOR: Going off the

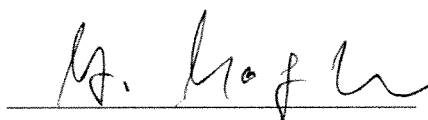
18:01:48 4 record at 6:02, and this will mark the end

18:01:50 5 of Tape Number 4.

18:01:54 6 (Time noted: 6:02 p.m.)

7

8



9

HENNING KAGERMANN

10

11 Subscribed and sworn to before me

12 this ____ day of _____, 2008.

13

18:02:02

14

15

16

17

18

19

20

21

22

23

24

25

C E R T I F I C A T E

STATE OF NEW YORK)

: ss.

COUNTY OF NEW YORK)

I, FRANK J. BAS, a Notary Public within and for the State of New York, do hereby certify:

That HENNING KAGERMANN, the witness whose deposition is hereinbefore set forth, was duly sworn by me and that such deposition is a true record of the testimony given by the witness.

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 29th day of September, 2008.

Frank J. Bas -
FRANK J. BAS, RDR