

Exhibit J

CHRISTOPHER FAYE

October 22, 2008

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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
CHRISTOPHER FAYE

WEDNESDAY, OCTOBER 22, 2008

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

(1-413165)

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09:28:08 6 Q. Was he involved in any analysis of whether
09:28:11 7 TomorrowNow was infringing copyright?

09:28:17 8 MR. LANIER: Let me think for a second
09:28:19 9 about that question.

09:28:32 10 Are you asking before the litigation or
09:28:33 11 after, or are you limiting your question at all as
09:28:36 12 to time?

09:28:37 13 MR. PICKETT: Not limiting.

09:28:42 14 MR. LANIER: You can answer that question
09:28:43 15 at that high level of detail.

09:28:45 16 THE WITNESS: Yes.

09:28:47 17 MR. PICKETT: Q. Did he work with you on
09:28:49 18 that topic?

09:28:50 19 A. Yes.

09:28:54 20 Q. During what time period?

09:28:58 21 A. Oh, I'd say during the entire time period
09:29:27 22 that I was working on it.

09:29:30 23 Q. So from the acquisition until the
09:29:33 24 litigation?

09:29:34 25 A. Yes.

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09:29:37 1 Q. Was Mr. Crean also involved in that
09:29:40 2 exercise?
09:29:43 3 A. Which exercise?
09:29:44 4 Q. Providing advice regarding potential
09:29:47 5 copyright infringement by TomorrowNow.
09:29:50 6 A. Yes.
09:29:52 7 Q. Any other lawyers?
09:29:53 8 A. Yes.
09:29:54 9 Q. Who?
09:29:57 10 A. Bob Dillon.
09:30:00 11 Q. Who is he?
09:30:01 12 A. He's an attorney in the SAP America legal
09:30:02 13 group.
09:30:04 14 Q. Anyone else?
09:30:06 15 A. Yes. Brad Brubaker.
09:30:12 16 Q. Who is he?
09:30:14 17 A. He was at the time the general counsel of
09:30:16 18 SAP America. Those are the only ones that I can
09:30:35 19 remember.
09:30:35 20 Q. And were they all involved in the same time
09:30:37 21 period?
09:30:40 22 A. Yes, to a greater or lesser extent.
09:30:48 23 Q. Were any outside counsel involved in
09:30:52 24 providing -- well, just let me put it this way:
09:30:57 25 Were any outside counsel involved with respect to

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09:31:01 1 the general topic of potential infringement by
09:31:05 2 TomorrowNow?
09:31:06 3 A. Yes.
09:31:07 4 Q. Who were they?
09:31:09 5 A. David Hayes.
09:31:12 6 Q. What firm?
09:31:13 7 A. He's at Fenwick.
09:31:19 8 Q. Who else?
09:31:20 9 A. I think that's it.
09:31:23 10 Q. And what was the time period in which
09:31:26 11 Mr. Hayes was involved?
09:31:29 12 A. I would say also that same period.
09:31:32 13 Basically, from the beginning.
09:31:34 14 Q. On and off over that --
09:31:36 15 A. Yes, over that --
09:31:37 16 Q. -- period?
09:31:39 17 A. Yeah.

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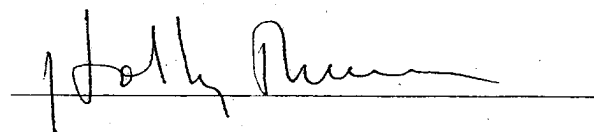
CERTIFICATE OF REPORTER

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 [X] 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 October 24, 2008



HOLLY THUMAN, CSR No. 6834