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16   UNITED STATES DISTRICT COURT

17   NORTHERN DISTRICT OF CALIFORNIA

18   OAKLAND DIVISION

19 ORACLE USA, INC., *et al.*,   CASE NO. 07-CV-01658 PJH (EDL)

20   Plaintiffs,   **DECLARATION OF BUFFY RANSOM
         v.   IN SUPPORT OF ORACLE'S
21   OPPOSITION TO DEFENDANTS'
    SAP AG, *et al.*,   MOTION TO COMPEL**

22   Defendants.
                                          [REDACTED]
23
                                          Date: January 26, 2010
24   Time: 2 p.m.
                                          Place: Courtroom E, 15th Floor
25   Judge: Hon. Elizabeth D. Laporte

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                                          Case No. 07-CV-01658 PJH (EDL)

         DECLARATION OF BUFFY RANSOM IN SUPPORT OF ORACLE'S OPPOSITION TO MOTION TO COMPEL

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2   I, Buffy Ransom, declare as follows:

3   1.   I am Vice President of Customer Support for EnterpriseOne Software Programs in

4   Oracle's Product Support team. I have personal knowledge of the facts stated in this declaration

5   and, if called and sworn as a witness, could testify competently as to them.

6   2.   In late 2006, Oracle employees noticed unusual download activity through

7   Oracle's password-protected customer support website, known as Customer Connection. The

8   unusual downloading activity came from an IP address assigned to Defendant TomorrowNow,

9   Inc., a subsidiary of SAP America, which is a subsidiary of SAP AG (together referred to as

10   "SAP"). Oracle investigated that download activity at the direction of attorneys in Oracle's legal

11   department and outside counsel at Bingham McCutchen. I supervised portions of, and

12   participated in, Oracle's efforts to investigate that unusual downloading activity.

13   *What "Mapping" Of Downloads to Contracts Means*

14   3.   Oracle's investigation included a detailed and time-consuming analysis of:

15   (a) downloads from SAP's IP addresses reflected on the log files from Oracle's Customer

16   Connection support website; (b) linking those downloads to certain customer login credentials;

17   (c) linking those downloads to Oracle software programs; and, (d) connecting the type of Oracle

18   software reflected in the download to the license agreement for the customer whose credential

19   SAP had used. The matching of the downloaded software products to the customer licenses has

20   been described by the Parties as "mapping," though that is not a term commonly used at Oracle,

21   and though there is no automated way to do the full contract-to-download mapping analysis for

22   any customer download. In particular, that "mapping" analysis typically requires a manual

23   analysis of the customer's licensing information.

24   *JD Edwards Software and Licensing Background*

25   4.   To understand the steps involved in this "mapping" of contracts to customer

26   downloads, some background with respect to the JD Edwards software and how it is licensed

27   would be helpful. Within the JD Edwards software line, a customer may license some or all of a

28   "suite," such as Human Capital Management, within a "family," such as EnterpriseOne (also

                                                    2   Case No. 07-CV-01658 PJH (EDL)

1   known as OneWorld). Suites have a number of system codes identified with them, such as 07

2   which relates to the Payroll part of the Human Capital Management suite specifically. Attached

3   as Exhibit A to this Declaration is a PowerPoint presentation containing true and correct copies

4   of slides that I helped to create that show how JD Edwards downloads "map" to JD Edwards

5   software using system codes. Slide 4 to Exhibit A is a true and correct copy of a visual that

6   explains these relationships.

7   5.   Customers who pay for support on JD Edwards products have the right to

8   download support products for the software they license. For JD Edwards, two of the more

9   prominent types of downloaded JD Edwards support products are Software Action Requests

10   ("SARs") and, when combined into a common release, are called Electronic Software Updates

11   ("ESUs"). Slide 5 to Exhibit A is a true and correct copy of a visual that illustrates how SARs

12   roll up into ESUs, which are sent out as regulatory releases and then get incorporated into

13   various larger updates to the software program.

14   6.   In my role in the Product Support team for JD Edwards, I have worked to improve

15   the JD Edwards customer support products and overall support experienced by customers

16   including through Oracle's JD Edwards customer support websites (until 2008 called "Customer

17   Connection"). Further, through my years of experience with customer support, I know that

18   customers are aware of the software products that they have licensed, and typically, even know

19   the specific system codes that are relevant to their licensed software. Customers know the

20   relevant system codes so that they can filter out support products that they do not want or need,

21   and just retrieve the support products needed to keep their licensed software running smoothly.

22   Customer Connection contained search functionality that allowed customers to do this filtering

23   efficiently, including through a tool called Change Assistant. For example, Customer

24   Connection allowed customers to search for support products relevant to licensed system codes,

25   like 07, software version releases, like Version 8.11, and software suite names, like Human

26   Capital Management. I understand that Oracle produced spreadsheets that correlate system

27   codes with the programs within each JD Edwards suite. Slide 7 to Exhibit A is a true and correct

28   copy of a visual with an example of a portion of these spreadsheets. This is an example of a

DECLARATION OF BUFFY RANSOM IN SUPPORT OF ORACLE'S OPPOSITION TO MOTION TO COMPEL

1   system code to download map. But it does not indicate whether a customer is licensed to a

2   download. As described above, that requires a separate licensing analysis.

3   7.   To put this in concrete terms, I've explained this download-to-license analysis

4   below and in the attached Exhibits. The ESU identified as "JJ13072" is referenced in Exhibit A,

5   slide 5. I understand based on Oracle's log files that this ESU was downloaded by SAP using

6   the login credentials of a customer called SPX. Any licensee can open documentation for ESU

7   JJ13072 to see what SARs it contains. Slide 6 to Exhibit A is a true and correct copy of a visual

8   with a screenshot of the documentation for ESU JJ13072, which is available from the ESU itself.

9   The system code for this ESU is also displayed on this documentation – in this case the 07,

10   circled on slide 6 – as well as the system code for any SARs in that ESU.

11   8.   Similarly, if the customer searched on Customer Connection for the SAR in the

12   ESU – for example SAR number 8143057, also circled in Exhibit A, slide 6 – the SAR Search

13   information would show the system code that is assigned to the SAR and the ESU that the SAR

14   relates to. Attached as Exhibit B to this Declaration is a true and correct copy of a visual with a

15   screen shot of the SAR Search Record for SAR number 8143057 related to ESU JJ13072. Also,

16   Exhibit B to the Ransom Declaration shows that SAR number 8143057, within ESU JJ130172, is

17   associated with the Payroll program under system code 07.

18   9.   ███

19   ███

20   ███

21   ███

22   ███

23   ███

24   ███

25   ████████████████████████████ Thus, to assess whether a download is licensed, if you

26   know which customer credential was used to take the download, you must look at the download

27   system code, look at the system code to product spreadsheet, look at the customer contract, and

28   match them up.   4   Case No. 07-CV-01658 PJH (EDL)

1   *The Product Support Team's Evaluation of Customer Licenses*

2   10.   As noted above, Oracle's investigation concluded that SAP had accessed

3   Customer Connection using the log-in credentials (user ID and password) of various Oracle

4   support customers and had downloaded thousands of Software and Support Materials not

5   licensed to the customer whose credentials had been used for the download. SAP can do this

6   same licensing analysis using the Oracle log files to find the customer log-in credential and

7   customer name, for example SPX, that TomorrowNow had used to download a particular ESU or

8   SAR. Then, SAP can compare the license agreement for that customer to the system code to

9   download spreadsheet, *see* for example Exhibit A, slide 7, to identify the licensed system codes

10   for that customer, and compare those to the system codes for downloaded ESUs and SARs

11   (available both in the ESU/SAR itself which SAP had downloaded and on Customer Connection

12   and through the underlying Customer Connection databases, which I understand SAP had access

13   to). If Oracle had an automated process to do the download-to-contract analysis, Oracle would

14   have used that itself. In short, the entire "mapping" process is complicated and was not

15   automated, but nevertheless, like Oracle, SAP can determine, for each customer, which materials

16   downloaded in the name of a particular customer were within that customer's support rights, and

17   which materials were not.

18   *Impact of SAP TN's Conduct on Oracle*

19   11.   Investigating SAP TN's conduct on Customer Connection, including the analysis

20   of customer contracts and the materials downloaded by SAP TN with customer credentials, has

21   been a time-consuming and intricate task for the Product Support team. Similar to what I

22   estimated to Dr. Uwe Kohler prior to his December 4-5, 2008 deposition, I would estimate that

23   the Product Support and other Oracle employees doing this contract analysis under my

24   supervision alone spent approximately 500 work days on this investigation and licensing

25   analysis. That amount time was necessary, because as stated above, there is no automated way

26   to "map" a given download to a given customer license.

27   I declare under penalty of perjury that the foregoing is true and correct and that

28   this declaration was executed on January ⎯4⎯, 2010 at Phoenix, Arizona.

                                                     5   Case No. 07-CV-01658 PJH (EDL)·

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6   Case No. 07-CV-01658 PJH (EDL)

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