

# EXHIBIT JJ

PETER SURETTE June 19, 2009  
HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

Civil Action No. 3:07-CV-01658 (PJH)

ORACLE CORPORATION, a Delaware corporation, ORACLE  
USA, INC., a Colorado corporation, and ORACLE  
INTERNATIONAL CORPORATION, a California corporation,

Plaintiffs,

v.

SAP AG, a German corporation, SAP AMERICA, INC., a  
Delaware corporation, TOMORROWNOW, INC., a Texas  
corporation, and DOES 1-50, inclusive,

Defendants.

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VIDEOTAPE DEPOSITION OF: PETER SURETTE  
June 19, 2009

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PURSUANT TO NOTICE, the videotape  
deposition of PETER SURETTE was taken on behalf of the  
Plaintiff at 16455 East 40th Circle, Aurora, Colorado  
80111, on June 19, 2009, at 11:36 a.m., before  
Sandra L. Bray, Registered Diplomate Reporter,  
Certified Realtime Reporter, and Notary Public within  
Colorado.

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12:20:01 1

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12:20:21 7

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Q. But at some point, the downloads were consolidated into this master folder, right?

12:20:34 11

12:20:37 12

A. Yes.

12:20:37 13

12:20:42 14

Q. At that point, was there any way to determine which customer's credential had been used to download which file?

12:20:46 15

12:20:47 16

A. No.

12:20:48 17

12:20:56 18

Q. Is there any way to determine that that you're aware of?

12:20:57 19

12:21:01 20

A. No. We used the file creation date against the maintenance end date. That was the criteria initially.

12:21:03 21

12:21:04 22

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12:22:55 7

12:22:58 8

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Q. And so is it accurate then to say that for any given file within the master folder in ESU, for example, it might have been copied into several different customer-specific folders if the date on the ESU was prior to the maintenance end date of those various customers?

A. That's a reasonable assumption, yes.

Q. And that was (sic) the instructions that were given out to the sorting team?

A. Yes.

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15:10:06 1  
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15:10:13 3  
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15:10:19 5  
15:10:20 6  
15:10:23 7  
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15:10:33 9  
15:10:36 10  
15:10:40 11  
15:10:40 12  
15:10:44 13  
15:10:49 14  
15:10:52 15  
15:10:52 16  
15:10:54 17  
15:10:55 18  
15:10:56 19  
15:11:00 20  
15:11:03 21  
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15:11:06 23  
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Q. (BY MR. HOWARD) And each of those folders then individually needed to be split out to the customer-specific folders that had been created?

A. Yes.

Q. And from each of those folders, any given fix could be copied multiple times into multiple customer-specific folders depending on maintenance end date and the date of the file and the folder?

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15:11:16 1  
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15:11:29 4  
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15:24:43 21  
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15:24:59 24  
15:25:02 25

REPORTER'S CERTIFICATE

STATE OF COLORADO )  
 ) ss.  
CITY AND COUNTY OF DENVER )

I, SANDRA L. BRAY, Registered Diplomate Reporter, Certified Realtime Reporter, and Notary Public, State of Colorado, do hereby certify that previous to the commencement of the examination, the said PETER SURETTE was duly sworn by me to testify to the truth in relations to the matters in controversy between the parties hereto; that the said deposition was taken in machine shorthand by me at the time and place aforesaid and was thereafter reduced to typewritten form; that the foregoing is a true transcript of the questions asked, testimony given, and proceedings had.

I further certify that I am not employed by, related to, nor of counsel for any of the parties herein nor otherwise interested in the outcome of this litigation.

IN WITNESS WHEREOF, I have affixed my signature this 23rd of June, 2009.

My commission expires January 16, 2012.

- Reading and Signing was requested.
- Reading and Signing was waived.
- Reading and Signing is not required.

SANDRA L. BRAY  
NOTARY PUBLIC  
STATE OF COLORADO

Sandra L. Bray  
Sandra L. Bray, RMR, RRR, RDR  
Certified Realtime Reporter