

EXHIBIT MM

JOSH TESTONE June 3, 2009
HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

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.)

CASE NO. 07-CV-0658

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

HIGHLY CONFIDENTIAL, ATTORNEYS' EYES ONLY

ORAL/VIDEO DEPOSITION OF

JOSH TESTONE

JUNE 3, 2009

ORAL/VIDEO DEPOSITION OF JOSH TESTONE, produced as
a witness at the instance of the Plaintiffs, was duly
sworn, was taken in the above-styled and numbered cause
on the JUNE 3, 2009, from 8:33 a.m. to 12:52 p.m.,
before Chris Carpenter, CSR, in and for the State of
Texas, reported by machine shorthand, at the Rotunda

JOSH TESTONE June 3, 2009
HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

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Q. (By Ms. Hann) Did Titan itself require that the ID being used belonged to a customer paying for Oracle support?

MR. WILKES: Objection, form.

A. No.

Q. (By Ms. Hann) Was there anything to stop a Titan user -- speaking just about the program -- did the program do anything to stop a Titan user from using expired credentials?

MR. WILKES: Objection, form.

A. Not that I'm aware of.

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_____, 2009; and if returned, the original transcript will be forwarded to Bree Hann, the custodial attorney;

That the amount of time used by each party at the deposition is as follows:

Ms. Hann: 3 hours, 14 minutes

I further certify that I am neither counsel for, related to, nor employed by any of the parties or attorneys in the action in which this proceeding was taken, and further that I am not financially or otherwise interested in the outcome of the action.

Certified to by me this 8th day of June, 2009.



Chris Carpenter
Chris Carpenter, Texas CSR 1151
Expiration Date: 12/31/2010
805 W. 10th Street
Austin, TX 78701
(512) 478-2762

Firm Registration No. 17