

EXHIBIT 15

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
:
vs. (PJH) (EDL)
:
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
McCUTCHEN 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.

HENNING KAGERMANN

September 25, 2008

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HIGHLY CONFIDENTIAL - H. KAGERMANN

09:40:37 2

09:40:38 3

09:40:40 4

09:40:41 5

Q. What are your responsibilities as

09:40:43 6

CEO?

09:40:49 7

A. I'm developing -- I'm responsible

09:41:02 8

for the strategy of SAP for business

09:41:04 9

development, for corporate communications,

09:41:08 10

internal audit, and the development of talents.

09:41:16 11

Q. Anything else?

09:41:19 12

A. Not right now, no.

09:41:23 13

09:41:27 14

09:41:33 15

09:41:41 16

09:41:47 17

09:41:49 18

09:41:51 19

09:42:02 20

09:42:02 21

09:42:14 22

09:42:17 23

09:42:21 24

09:42:26 25

HENNING KAGERMANN September 25, 2008
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1 HIGHLY CONFIDENTIAL - H. KAGERMANN

12:19:49 2 Q. The SAP AG executive board
12:19:54 3 considered whether to expand the TomorrowNow
12:19:56 4 business model to extend to other products?

12:20:18 5 A. Yes.

12:20:18 6 Q. The operations of TomorrowNow as a
12:20:21 7 business unit were under the supervision of
12:20:27 8 Mr. Oswald in his capacity on the executive
12:20:31 9 board?

12:20:39 10 A. I'm not sure about that.

12:20:55 11 Q. Who, if not Mr. Oswald, had
12:21:02 12 responsibility for the operations of TomorrowNow
12:21:08 13 on the SAP executive board?

12:21:18 14 A. I assume that the CEO of TomorrowNow
12:21:33 15 is responsible for the operations of
12:21:35 16 TomorrowNow.

12:21:36 17 Q. Who at the SAP AG executive board
12:21:39 18 level is responsible for the area that includes
12:21:45 19 TomorrowNow as a service company?

12:21:54 20 A. That's my colleague, Gerd Oswald.

12:22:13 21

12:22:15 22

12:22:20 23

12:22:47 24

12:22:48 25

C E R T I F I C A T E

STATE OF NEW YORK)

: ss.

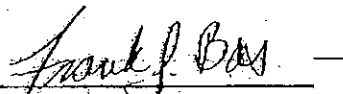
COUNTY OF NEW YORK)

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, Notary Public

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

September 26, 2008
9:07 a.m.

HIGHLY CONFIDENTIAL
VOLUME 2

Videotaped Deposition of HENNING
KAGERMANN, held at the offices of BINGHAM
McCUTCHEN LLP, 399 Park Avenue, New York, New
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State of New York.

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1 HIGHLY CONFIDENTIAL - H. KAGERMANN

13:44:29 2

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13:45:32 13

13:45:46 14

13:45:50 15

Q. At the time that SAP made the

13:46:21 16

decision to buy TomorrowNow, did it have any

13:46:28 17

plans to change the way that TomorrowNow was

13:46:30 18

providing its service?

13:46:52 19

A. It's possible.

13:46:54 20

Q. Was there such a plan?

13:46:58 21

A. I don't recall any.

13:47:04 22

Q. Was there a plan to require

13:47:07 23

TomorrowNow to remove the copies of the

13:47:14 24

PeopleSoft software that it had on its machines?

13:47:21 25

A. I think yes.

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1 HIGHLY CONFIDENTIAL - H. KAGERMANN

13:47:37 2 Q. Why did -- why did SAP plan to
13:47:51 3 require TomorrowNow to remove the copies that it
13:47:53 4 had on its machines of PeopleSoft software at
13:47:57 5 the time that it bought the company?

13:48:22 6 MR. LANIER: Mr. Kagermann, I
13:48:23 7 instruct you that in answering that
13:48:25 8 question, which you may answer, don't
13:48:27 9 disclose the contents of any communications
13:48:29 10 with lawyers.

13:49:06 11 A. I assume that a suggestion, a
13:49:13 12 proposal to that effect was received.

13:49:19 13 Q. My question was different. Why did
13:49:26 14 SAP plan to require TomorrowNow to remove the
13:49:28 15 copies that it had on its machines of PeopleSoft
13:49:30 16 software at the time that it bought the company?

13:49:58 17 MR. LANIER: The same instruction,
13:49:59 18 Mr. Kagermann.

13:50:00 19 A. I assume that maybe it was to
13:50:10 20 minimize potential risks.

13:50:14 21 INTERPRETER JACOBSON: That it was
13:50:15 22 also to minimize.

13:50:21 23 A. Also to minimize potential risk.

13:50:23 24 Q. Potential risk of infringement of
13:50:25 25 that software?

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1

HIGHLY CONFIDENTIAL - H. KAGERMANN

13:50:31 2

A. That's always a risk.

13:50:33 3

13:50:37 4

13:50:38 5

13:50:40 6

13:50:58 7

13:51:00 8

13:51:04 9

13:51:11 10

13:51:16 11

13:51:19 12

13:51:22 13

13:51:25 14

13:51:35 15

13:51:42 16

13:51:44 17

13:51:53 18

13:52:13 19

13:52:18 20

13:52:23 21

13:52:47 22

13:52:48 23

13:52:56 24

13:52:57 25

HENNING KAGERMANN

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1 HIGHLY CONFIDENTIAL - H. KAGERMANN

13:57:18 2

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13:58:01 9

13:58:03 10

13:58:06 11

13:58:08 12

13:58:11 13

13:58:11 14

13:58:12 15

13:58:12 16

13:58:12 17

Q. Mr. Kagermann, what did you do

13:58:16 18

between January of 2005 and March of 2007 to

13:58:21 19

ensure that the plan to remove local copies of

13:58:26 20

PeopleSoft and Oracle software from

13:58:28 21

TomorrowNow's machines was implemented?

13:58:31 22

A. Do you mean me, personally?

13:58:57 23

Q. Yes.

13:58:58 24

A. I assume that I also gave the

13:59:12 25

direction at the time.

HENNING KAGERMANN

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1 HIGHLY CONFIDENTIAL - H. KAGERMANN

13:59:15 2 THE INTERPRETER: The directive.

13:59:16 3 I'm sorry.

13:59:17 4 BY MR. HOWARD:

13:59:17 5 Q. By the directive -- when you say you
13:59:20 6 assume that you "gave the directive at the
13:59:22 7 time," what do you mean by that?

13:59:28 8 A. What I mean is that what I did
13:59:40 9 personally is that I took part in making that
13:59:46 10 decision.

13:59:46 11 Q. Prior to the acquisition of
13:59:48 12 TomorrowNow, you mean?

13:59:50 13 A. It's also possible that it was again
14:00:25 14 after the -- the acquisition.

14:00:29 15 Q. All right. Before or after, you
14:00:34 16 participated in the decision to issue a
14:00:37 17 directive that the local copies of the
14:00:40 18 PeopleSoft and JD Edwards software should be
14:00:43 19 removed from the TomorrowNow systems; is that
14:00:46 20 right?

14:01:08 21 A. Yes.

14:01:08 22 Q. And would you agree that that
14:01:17 23 directive that you participated in deciding to
14:01:20 24 issue was either before the TomorrowNow
14:01:26 25 acquisition or very soon thereafter?

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1 HIGHLY CONFIDENTIAL - H. KAGERMANN

14:01:53 2 A. I think so.

14:01:54 3 Q. So you had a plan to remove the
14:01:58 4 PeopleSoft and JD Edwards software copies from
14:02:02 5 TomorrowNow's systems, and then you issued a
14:02:04 6 directive to implement that plan, is that right?

14:02:24 7 A. I think so, yes.

14:02:25 8

14:02:30 9

14:02:35 10

14:02:38 11

14:02:58 12

14:03:04 13

14:03:05 14

14:03:08 15

14:03:16 16

14:03:18 17

14:03:20 18

14:03:29 19

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14:04:15 25

HENNING KAGERMANN

September 26, 2008

HIGHLY CONFIDENTIAL

1

2

C E R T I F I C A T E

3

STATE OF NEW YORK)

4

: SS.

5

COUNTY OF NEW YORK)

6

7

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

10

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14

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.

15

16

17

18

19

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.

20

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23

24

25

IN WITNESS WHEREOF, I have hereunto
set my hand this 30 day of September,
2008.


FRANK J. BAS, RPR

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Corrections to the Transcript of the Deposition of

Henning Kagermann

Taken on September 25, 2008

Volume 1, pages 1-229

Page	Line(s)	Reads	Should Read
7	8	co-Vorstandssprecher	co-Vorstandssprecher
7	14	co-Vorstandssprecher	co-Vorstandssprecher
19	5	Jim Hagemann	Jim Hagemann Snabe
19	17	Aufsichtsrat	Aufsichtsrat
93	18	Aufsichtsrat	Aufsichtsrat
160	10-11	B1 2 accelerator to the - -	B1 - A - - accelerator to the



Witness Signature

24. Okt 2008

Date