

# **EXHIBIT 16**

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 30(b)(6) DEPOSITION OF  
ORACLE INTERNATIONAL CORPORATION  
THROUGH ITS DESIGNEE  
UYEN NGOC ANN KISHORE

TUESDAY, APRIL 14, 2009

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

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

(1-417372)

10:47:17 1

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10:47:22 4

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10:47:40 9

10:47:44 10 Q. Would you take a moment and look over

10:47:46 11 what's been marked as Exhibit 246, please.

10:49:28 12 A. (Examining document.)

10:49:29 13 Q. Have you had a chance to look over Exhibit

10:49:31 14 246?

10:49:32 15 A. I have.

10:49:32 16 Q. Can you identify it for the record?

10:49:33 17 A. It is an OC/OIC Asset Transfer Agreement,

10:49:39 18 entered on March -- as of March 1, 2002, between

10:49:44 19 Oracle Corporation and Oracle International

10:49:45 20 Corporation.

10:49:48 21 Q. Is this a document you reviewed in

10:49:50 22 preparation for your testimony here today?

10:49:51 23 A. Yes, it is one of the documents.

10:49:54 24 Q. And is this one that you referred to

10:49:56 25 earlier today that you also had a copy of in your

10:49:58 1 binders?

10:49:59 2 A. Yes.

10:50:00 3 Q. Can you -- what do you understand this  
10:50:04 4 agreement to be?

10:50:07 5 A. My understanding is that in Section 1.1,  
10:50:10 6 there was a transfer of assets from OIC to OIC of  
10:50:16 7 the asset listed below, which include patents,  
10:50:20 8 copyright, trade secret, know-how and other  
10:50:23 9 intellectual property, trademark and trade names,  
10:50:27 10 certain tangible personal property, and distribution  
10:50:30 11 agreements.

10:50:31 12 Q. Okay. I think in your answer you said it  
10:50:33 13 was a transfer from OIC to OIC. Did you mean to say  
10:50:37 14 from Oracle Corporation to OIC?

10:50:40 15 A. That's correct.

10:50:41 16 Q. And is the Oracle Corporation that's  
10:50:44 17 referred to in this agreement that's been marked as  
10:50:47 18 Exhibit 246, has it changed its name since the time  
10:50:52 19 of this agreement, to your knowledge?

10:51:00 20 And let me give you a hint. Has it changed  
10:51:02 21 its name to Oracle Systems Corporation?

10:51:08 22 A. I believe that is the case, to the best of  
10:51:10 23 my knowledge.

10:51:12 24 Q. And just to be sure I'm clear on this, the  
10:51:16 25 portion of this agreement that assigns from Oracle

10:51:21 1 Corporation to OIC copyrights is in Section 1.1(a).  
10:51:27 2 Is that correct?  
10:51:30 3 A. Yes. 1.1(a).  
10:51:33 4  
10:51:39 5  
10:51:46 6  
10:51:49 7  
10:51:51 8  
10:51:52 9  
10:51:56 10  
10:51:58 11  
10:52:01 12  
10:52:04 13  
10:52:05 14  
10:52:41 15  
10:52:43 16  
10:52:48 17  
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10:52:57 20  
10:52:59 21  
10:53:03 22  
10:53:06 23  
10:53:08 24  
10:53:14 25

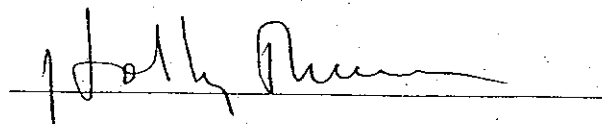
CERTIFICATE OF REPORTER

1 I, HOLLY THUMAN, a Certified Shorthand  
2 Reporter, hereby certify that the witness in the  
3 foregoing deposition was by me duly sworn to tell the  
4 truth, the whole truth, and nothing but the truth in the  
5 within-entitled cause; that said deposition was taken  
6 down in shorthand by me, a disinterested person, at the  
7 time and place therein stated, and that the testimony of  
8 the said witness was thereafter reduced to typewriting,  
9 by computer, under my direction and supervision;

10  
11 That before completion of the deposition,  
12 review of the transcript  was [ ] was not requested.  
13 If requested, any changes made by the deponent (and  
14 provided to the reporter) during the period allowed are  
15 appended hereto.

16 I further certify that I am not of counsel or  
17 attorney for either or any of the parties to the said  
18 deposition, nor in any way interested in the event of  
19 this cause, and that I am not related to any of the  
20 parties thereto.

21  
22 DATED April 21<sup>st</sup>, 2009.

23  
24 

25 HOLLY THUMAN, CSR No. 6834

## Errata Sheet

Deposition of Ann Kishore, April 14, 2009

<u>Page</u>	<u>Line</u>	<u>Change</u>	<u>Reason</u>
16	19	Change "O'Brien" to "O'Bryan"	Correction
16	20	Change "O'Brien" to "O'Bryan"	Correction
16	23	Change "O'Brien" to "O'Bryan"	Correction
17	15	Change "O'Brien" to "O'Bryan"	Correction
17	16	Change "Hoge" to "Hoag"	Correction
113	5	Change "RTC" to "OTC"	Correction
115	3	Change "message" to "percentage"	Correction
188	15	Change "I can't verify" to "I would have to verify"	Clarification

Subject to the above changes, I certify that the transcript is true and correct.

Myem Agoc Ann Kishore  
Signature

5/18/09  
date