

EXHIBIT 18

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.)

30(b) (6) VIDEOTAPED DEPOSITION OF

ORACLE USA, INC.

(DEFENDANTS' SECOND DEPOSITION NOTICE)

BY ITS DESIGNEE

DR. UWE KOEHLER

FRIDAY, DECEMBER 5, 2008

HIGHLY CONFIDENTIAL

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

(1-414229)

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MR. COWAN: Q. Where physically are the
reverse proxy servers SUN145, 146, 147 and 148
located?

A. They are physically located in the
Pleasanton Data Center in Pleasanton, California.

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MR. COWAN: Q. Okay. Other than these four reverse proxy servers, what other physical pieces of hardware are you aware of that comprise the PeopleSoft Customer Connection system?

A. The next physical piece of -- pieces of hardware I can identify are the Apache servers and SiteMinder servers, which are the same, since Apache and SiteMinder are running on the same machine. But there are, again, four of them.

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MR. COWAN: Q. Where are HP35, HP53, HP56
and HP59 located?
A. To my knowledge, they are located as well
in the Pleasanton Data Center.

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09:40:24 1

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09:40:38 4 Q. Other than the eight pieces of hardware
09:40:40 5 that we have discussed so far, what other physical
09:40:43 6 pieces of hardware are you aware of that are part of
09:40:46 7 the PeopleSoft Customer Connection system?

09:40:50 8 A. I know about more servers as we discussed
09:40:54 9 yesterday, but I'm not able to identify all of the
09:40:56 10 physical assets. And I also don't know the machine
09:41:05 11 names, as I did for the other machines.

09:41:09 12 So what we have is, first of all, I
09:41:13 13 mentioned it yesterday, the CI database. Which is
09:41:17 14 the CRM, the Customer Relationship Management
09:41:21 15 system.

09:41:28 16 Q. Okay. And what else? Even though it may
09:41:30 17 be a little duplicative of what we talked about
09:41:33 18 yesterday, but please try to give me an exhaustive
09:41:35 19 listing of everything?

09:41:37 20 A. Yes. And we have the content servers
09:41:41 21 serving the content for that system. These are
09:41:44 22 database servers.

09:41:47 23 Q. And what did you call them? What kind of
09:41:52 24 servers are they?

09:41:53 25 A. Content.

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09:41:54 1 Q. They're the content servers serving the
09:41:56 2 content for -- okay.

09:42:01 3 A. These are the servers, they're -- the files
09:42:02 4 relate, because the first machines don't have any
09:42:07 5 content. They are just passing the information back
09:42:09 6 and forth.

09:42:12 7 Q. And what else?

09:42:15 8 A. Other than that, I know this system is
09:42:17 9 connected to several staging areas. Staging
09:42:26 10 servers.

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MR. COWAN: Q. Do you know where the
content servers are physically located?

A. Some of them are in the Pleasanton Data
Center, and some of them are in the data center in

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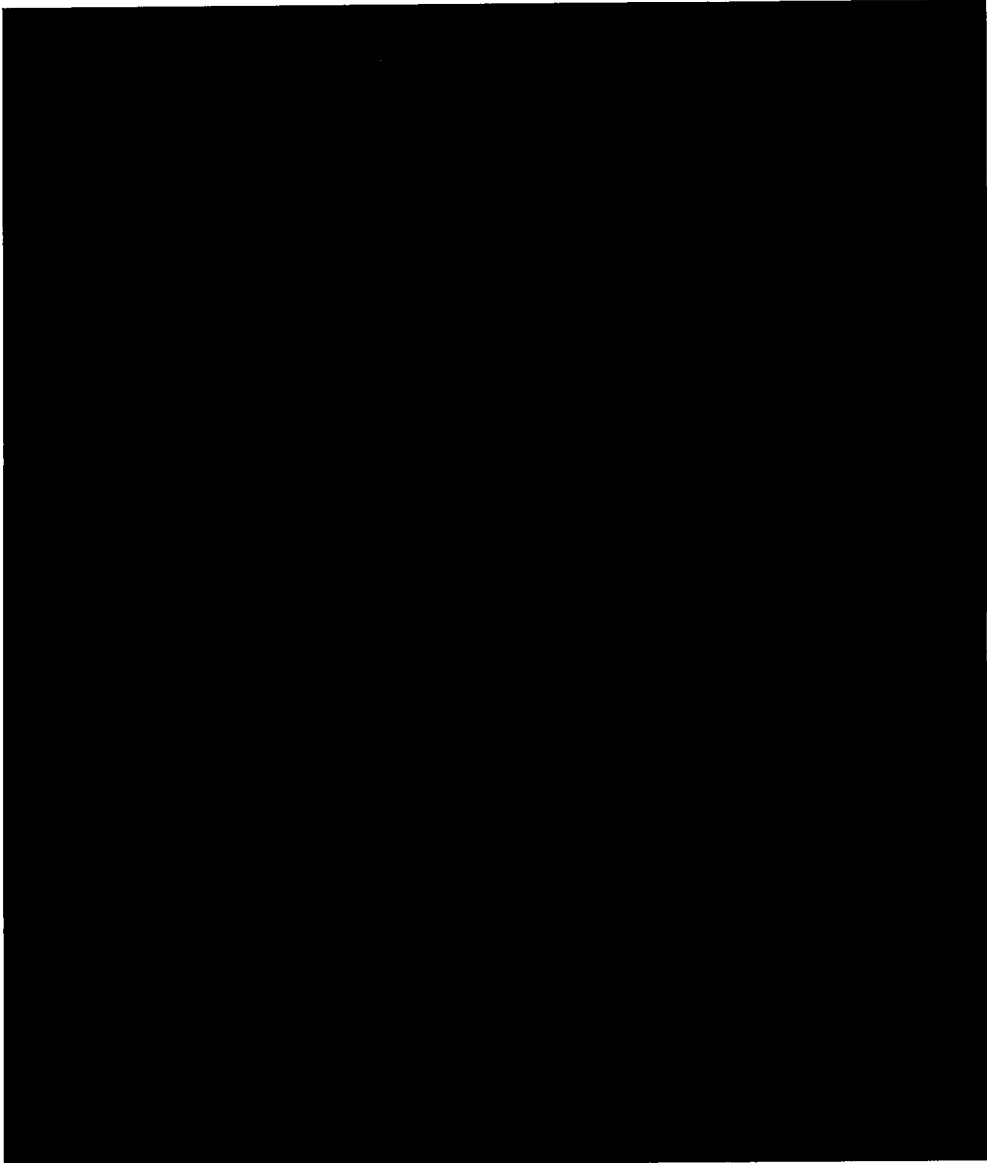
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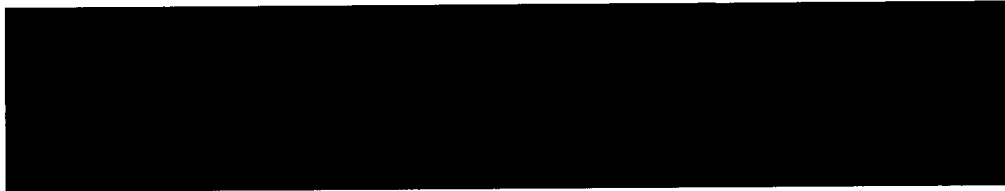
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The second clarification, when we speak about the availabilities, slowdowns, then I'm not aware of any slowdown or unavailabilities for the official processes, escalation processes in Oracle. This does not necessarily mean that customers may have complained to the support representatives out there, which was not put in the system internally.

MR. COWAN: Q. Okay. But with respect to the -- all of your answers regarding alteration or modification or change of data on the system, your answers are still what you gave me earlier: To your knowledge, there's no data that existed on the system prior to TomorrowNow's access to the system that was changed or altered in any way. Correct?

MR. ALINDER: Objection. Calls for speculation.

THE WITNESS: If we define alteration, modification that way, that the data existed already on the system and then later on was changed or modified, then I'm not aware of that.

MR. COWAN: Q. And you're also not aware of any data being deleted or otherwise removed from

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10:24:22 1 the system that existed on the system prior to

10:24:24 2 TomorrowNow's access. Correct?

10:24:25 3 MR. ALINDER: Objection. Objection. Calls

10:24:26 4 for speculation, calls for expert testimony.

10:24:37 5 THE WITNESS: No, I'm not aware of that.

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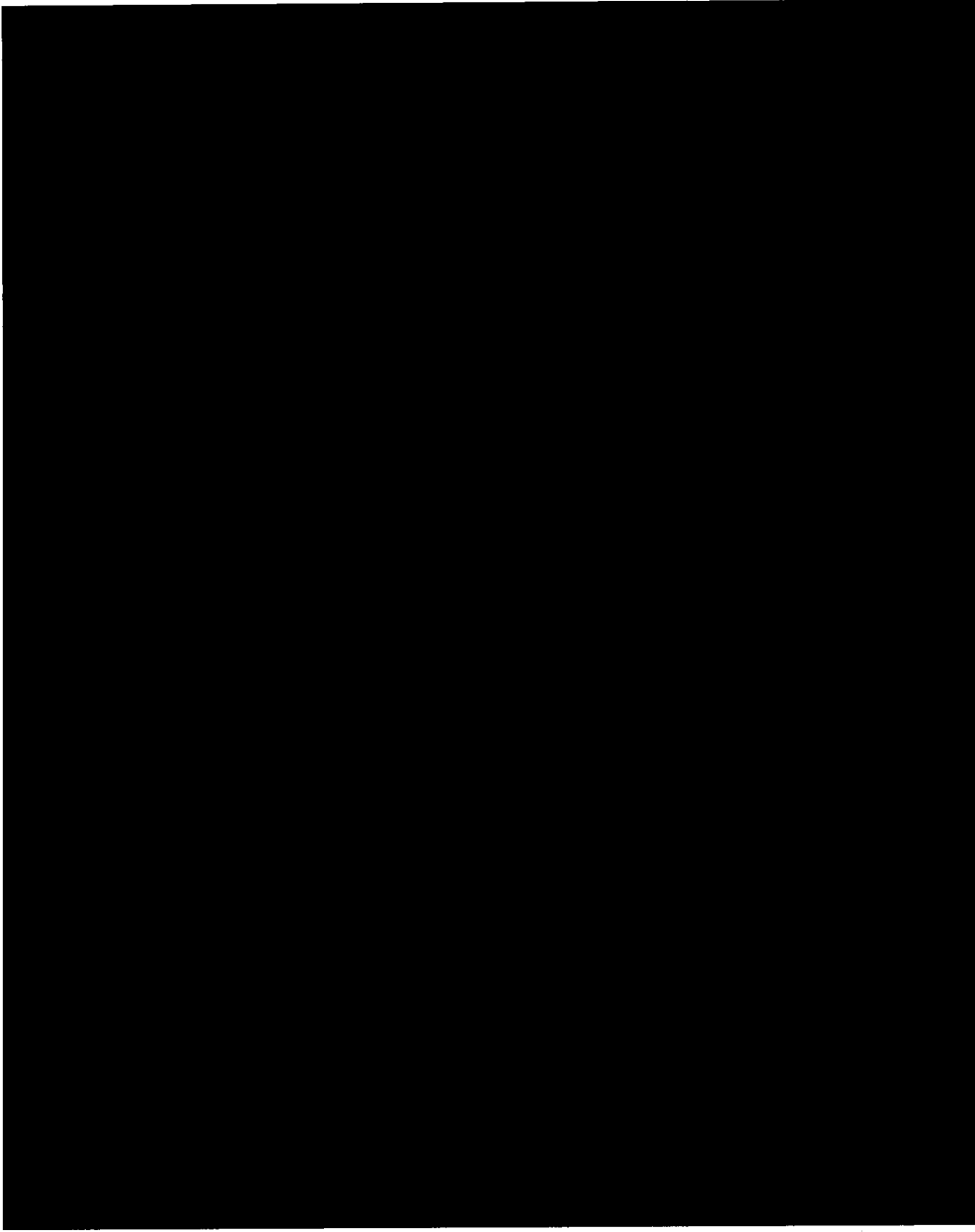
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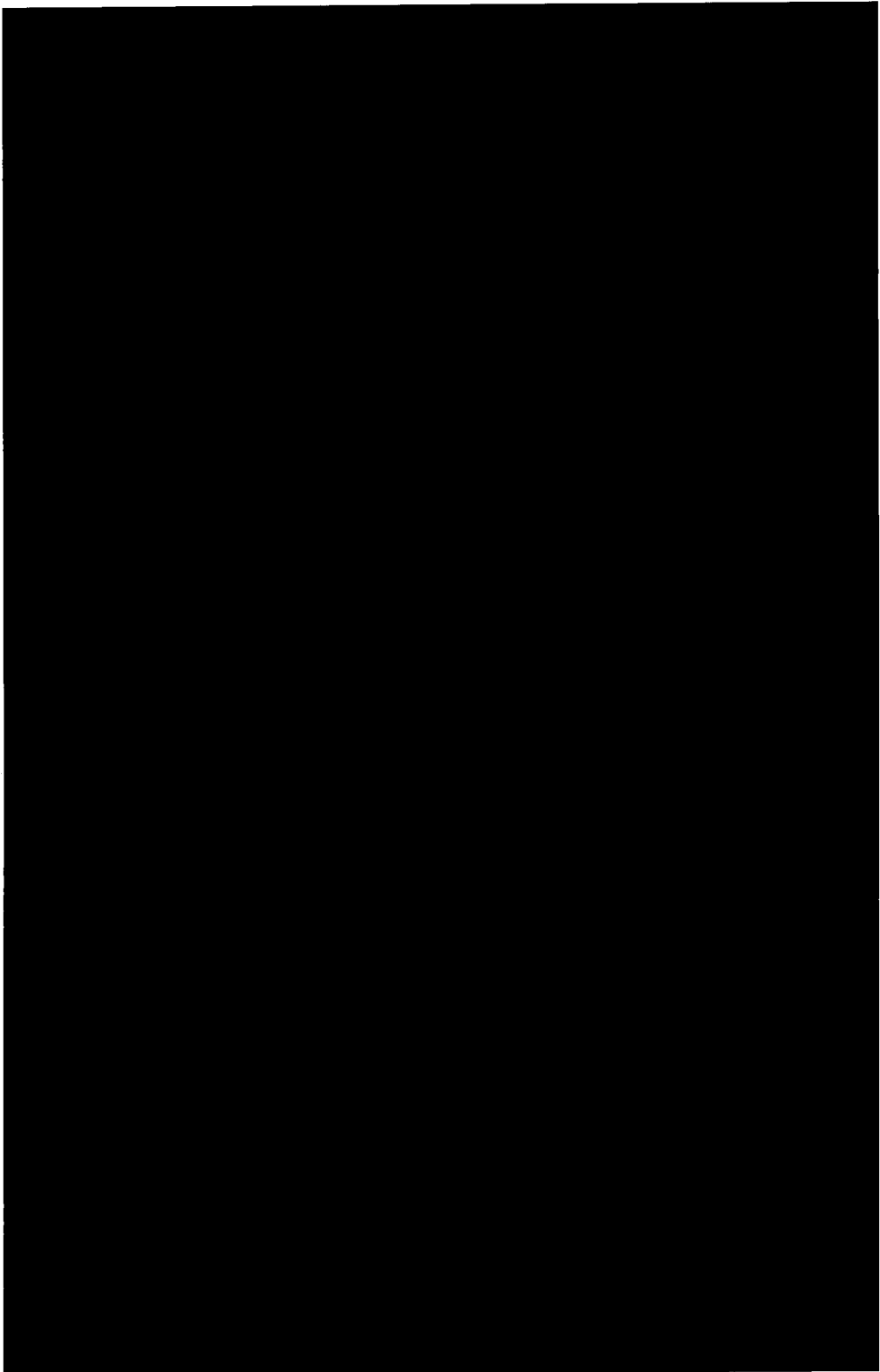
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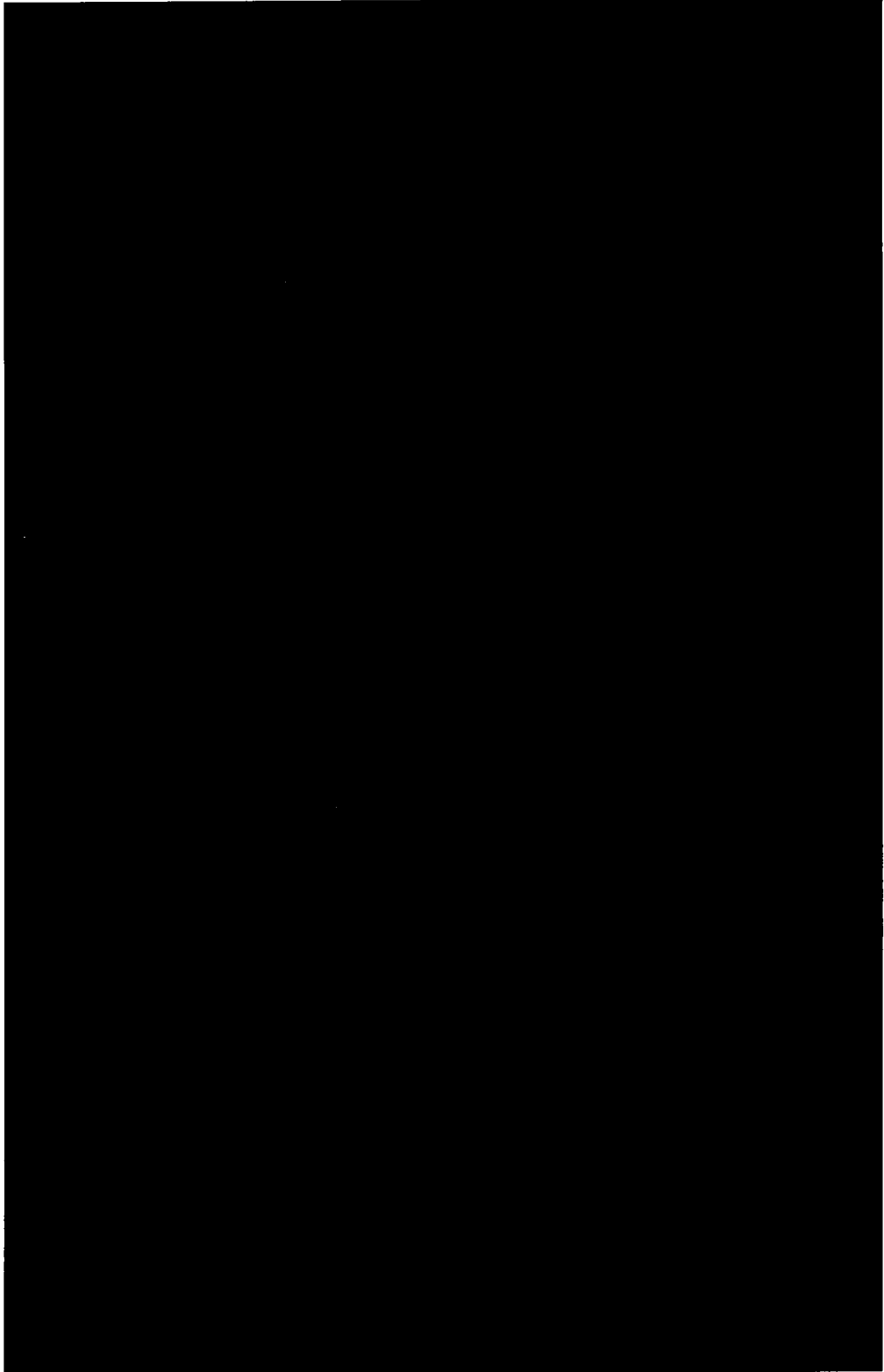
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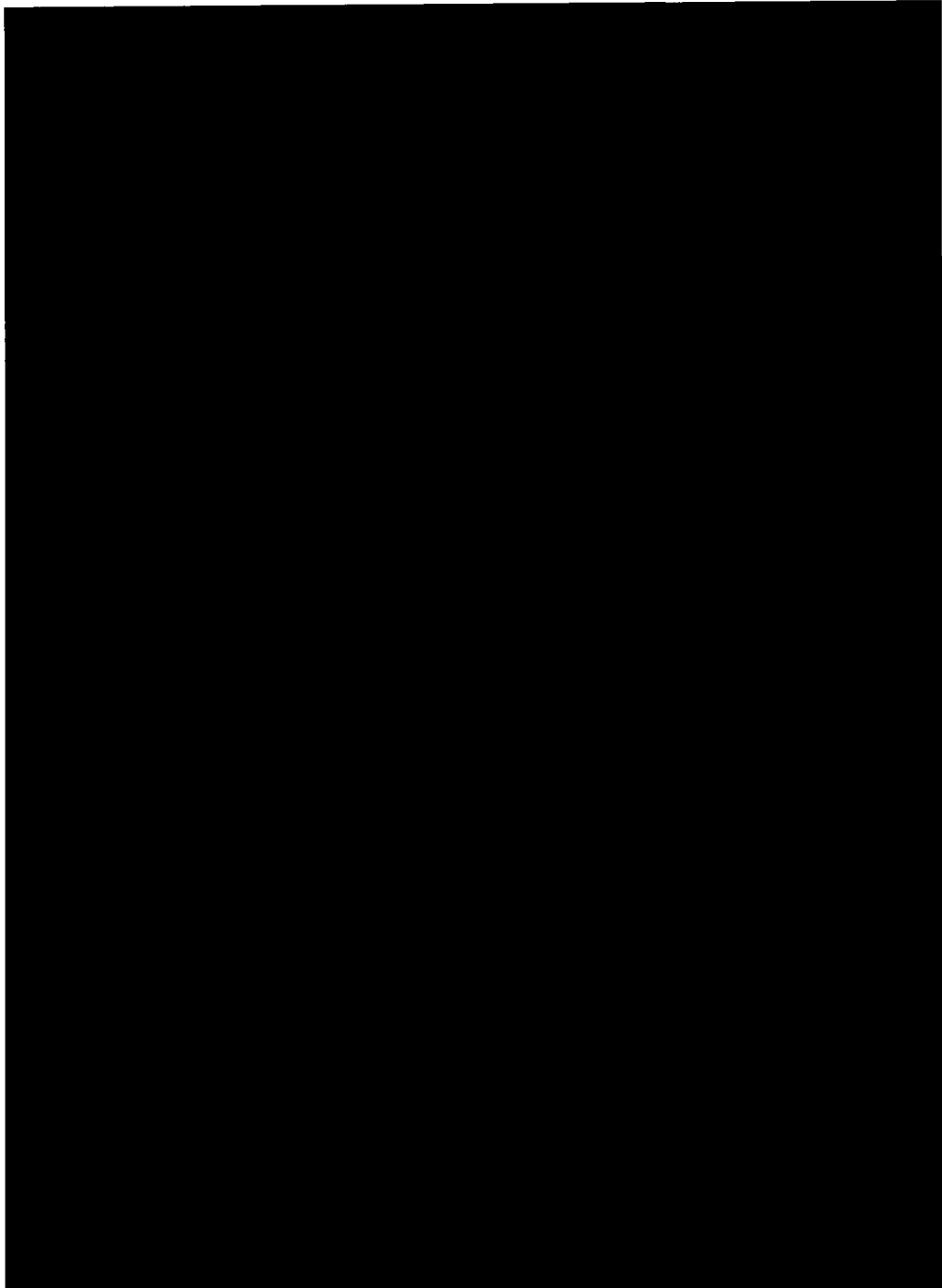
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MR. COWAN: Q. Okay. Let's go to

10:38:57 15

Exhibit 167, which is your notes. I want to focus

10:39:11 16

on the first page.

10:39:20 17

What if any facts did you obtain regarding

10:39:24 18

the first numbered item from anyone other than the

10:39:29 19

lawyers?

10:39:31 20

MR. ALINDER: Objection. Vague.

10:39:34 21

THE WITNESS: The facts for Item No. 1 is,

10:39:45 22

for example, based on the analysis of the log files.

10:39:49 23

MR. COWAN: Q. Understood. And I want to

10:39:50 24

make sure you understand my question, because until

10:39:53 25

I tell you otherwise, every question I have about

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10:39:55 1 page 1 of Exhibit 167 is what you know based on what
10:40:00 2 investigation you have done without the lawyers.

10:40:03 3 Okay? What you know without the lawyers telling you
10:40:06 4 anything.

10:40:09 5 What information do you have as you sit
10:40:12 6 here today on Item No. 1, bandwidth/computing
10:40:17 7 resources, that is independent of what the lawyers
10:40:20 8 told you?

10:40:21 9 A. Yes. I understand the question.

10:40:25 10 Q. Okay.

10:40:26 11 A. And the answer is, we did the analysis of
10:40:30 12 the log files. Not just about the downloads, but we
10:40:34 13 also -- and I think I briefly mentioned that
10:40:37 14 yesterday -- we also looked at the overall number of
10:40:42 15 lines which corresponds to an access to the system
10:40:47 16 as well as to the number of bytes downloaded, as we
10:40:51 17 have seen yesterday when we looked at the Apache
10:40:54 18 logs, that the number of bytes downloaded were
10:40:56 19 submitted back is in there. And we looked at how
10:41:00 20 many access requests came from TomorrowNow, how many
10:41:05 21 access requests came from the rest of the world; how
10:41:07 22 many bytes had been downloaded by TomorrowNow, how
10:41:10 23 many bytes had been downloaded by the rest of the
10:41:12 24 world.

10:41:14 25 And what I mean in Point No. 1 is based on

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10:41:18 1 that analysis.

10:41:21 2 Q. Okay. And as you sit here today, what is
10:41:48 3 your belief regarding what harm or damage was caused
10:41:52 4 by the activity you just described?

10:41:57 5 A. I believe, based on the numbers I have
10:42:02 6 seen, that on certain days, not on all of them, I
10:42:13 7 believe there must have been a slowdown of the
10:42:15 8 system based on the number of the downloads.

10:42:18 9 Q. But that's purely speculative, because
10:42:20 10 you're unaware of any complaint. Correct?

10:42:23 11 MR. ALINDER: And I'm going to object to
10:42:24 12 this line of questioning as calling for expert
10:42:26 13 testimony.

10:42:26 14 THE WITNESS: Yes, I'm not an expert on
10:42:28 15 that. It's just what I believe. And it's right, we
10:42:35 16 haven't received a formal complaint. But as I
10:42:38 17 mentioned as a clarification, not through official
10:42:41 18 channels. I do not know if customers have just
10:42:44 19 complained to their account manager, support
10:42:46 20 representative or whatever.

10:42:47 21 That would mean we need to ask every single
10:42:50 22 account representative or support manager to get the
10:42:51 23 answer to that question.

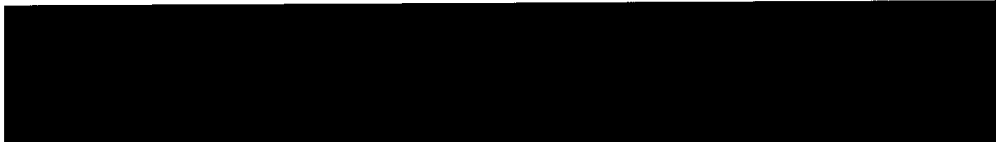
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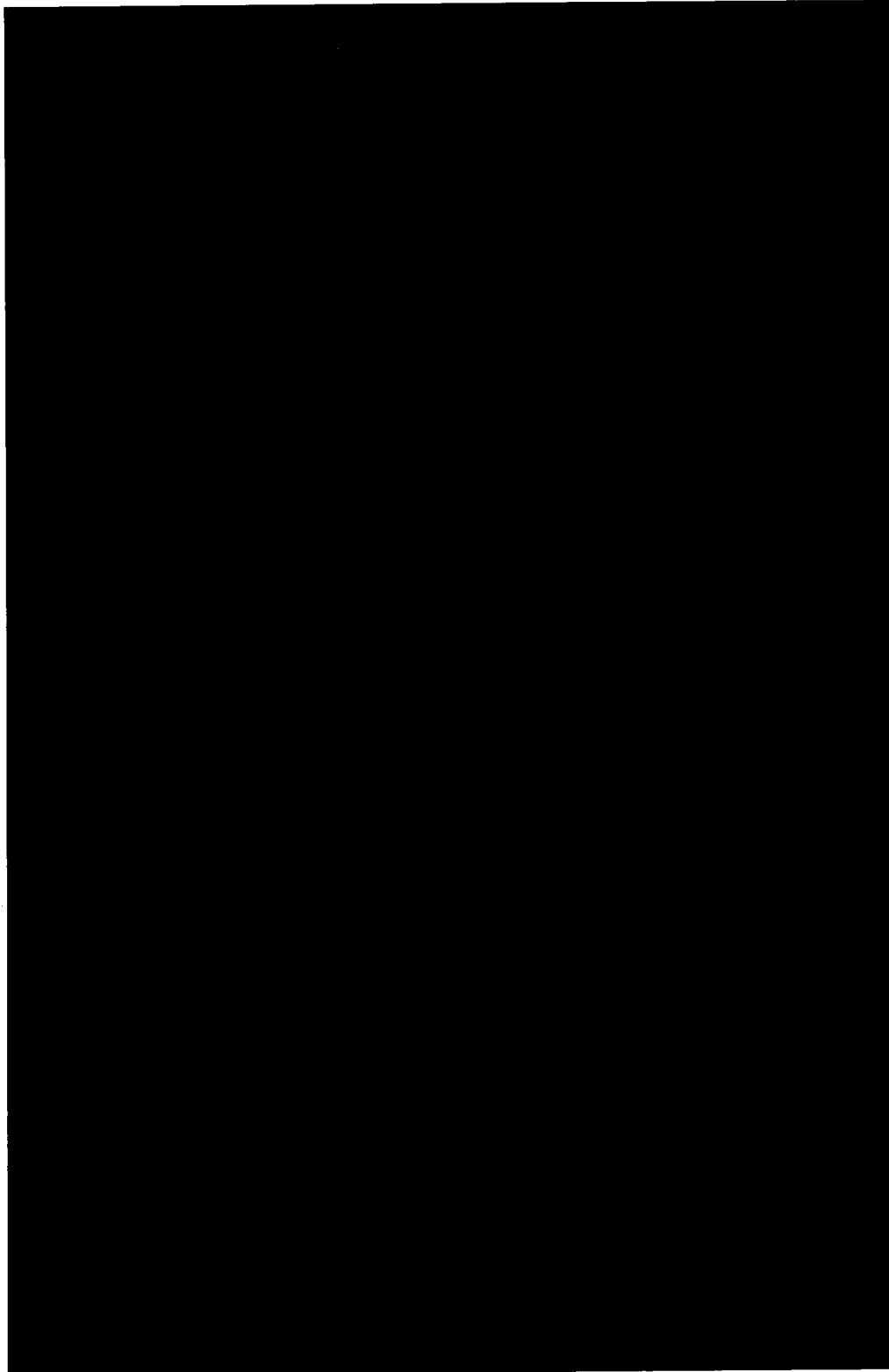
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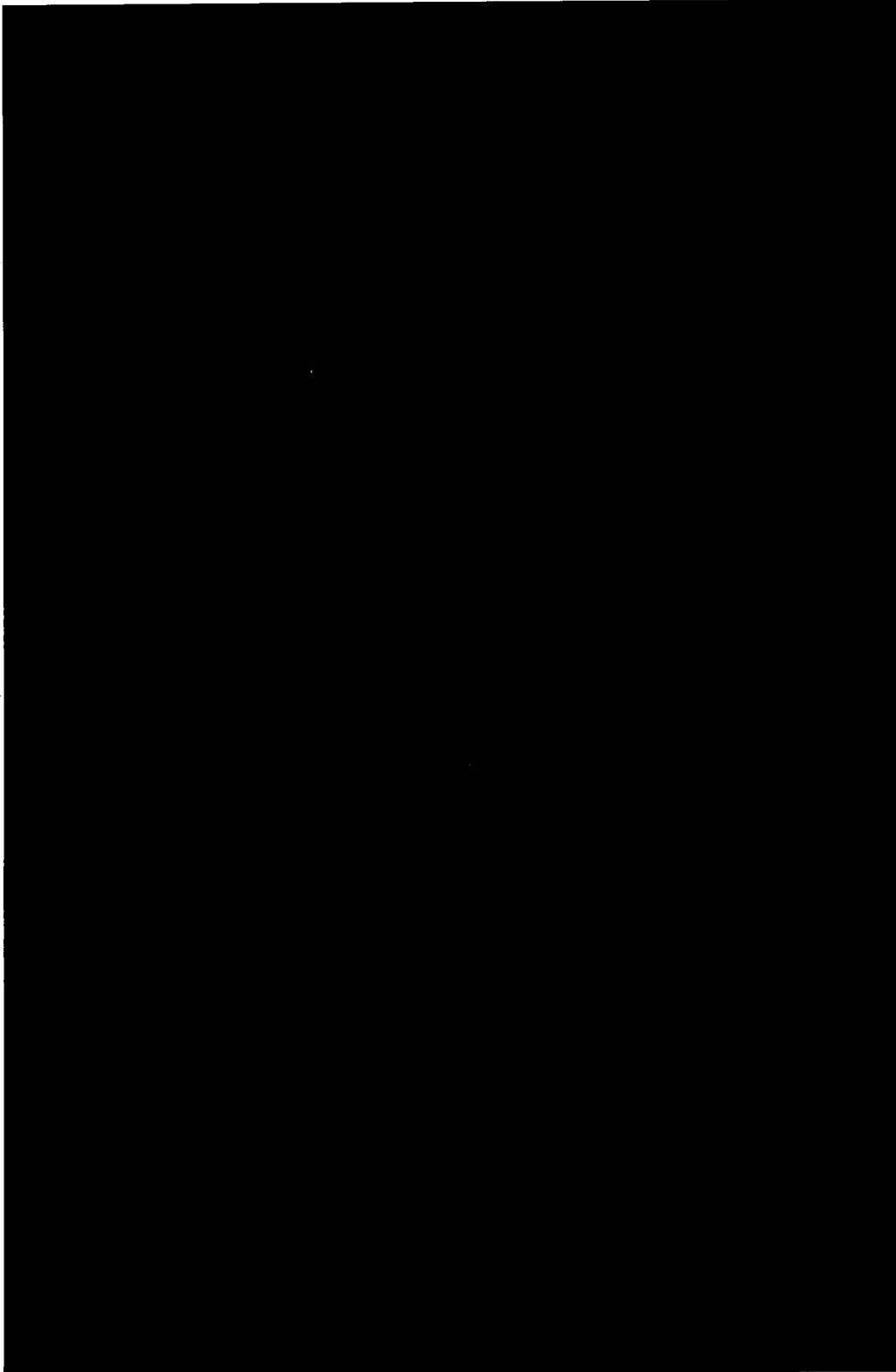
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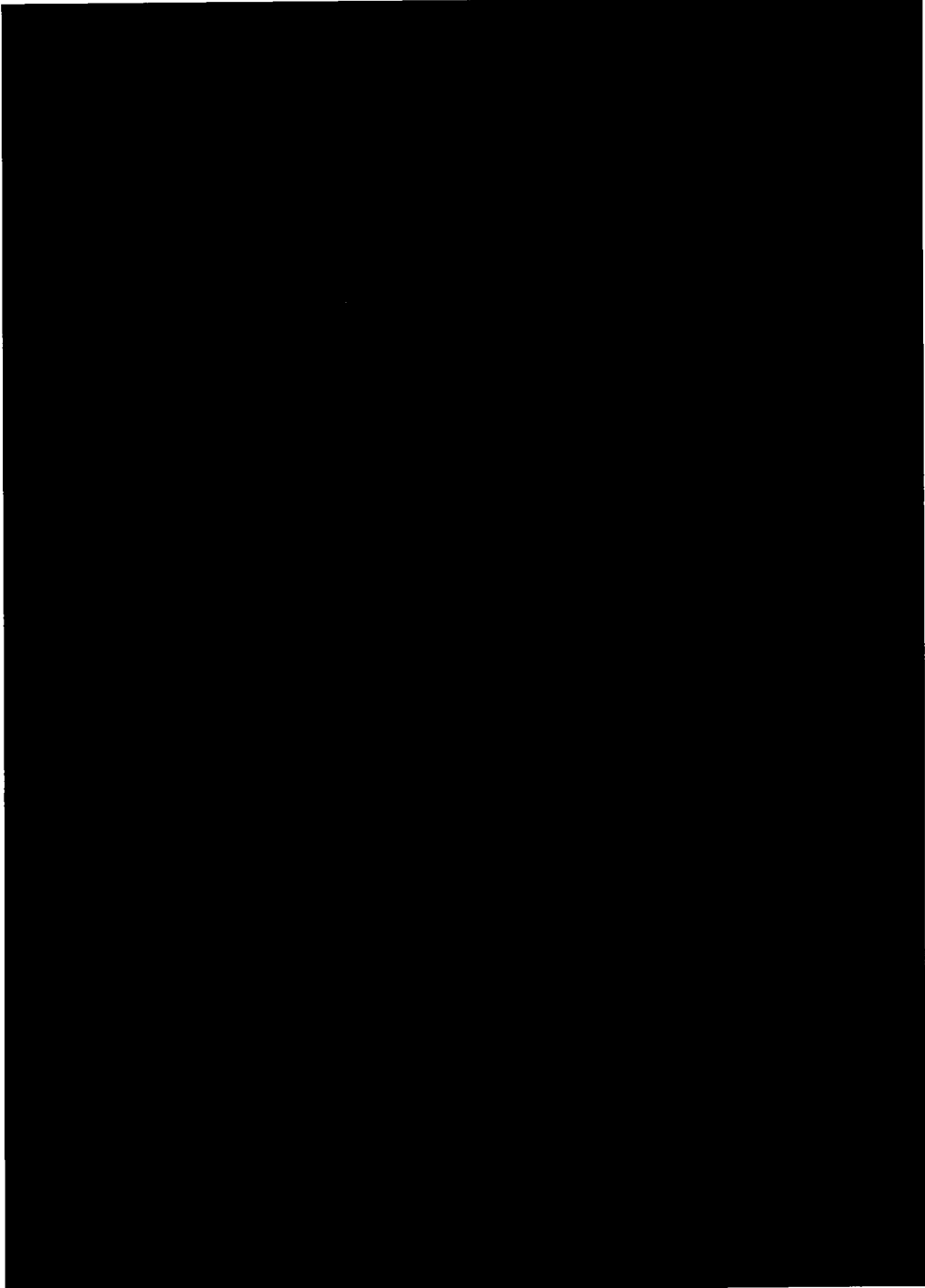
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CERTIFICATE OF REPORTER

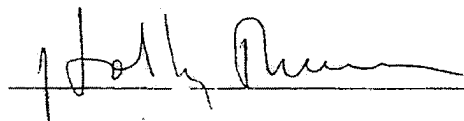
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I, HOLLY THUMAN, a Certified Shorthand Reporter, hereby certify that the witness in the foregoing deposition was by me duly sworn to tell the truth, the whole truth, and nothing but the truth in the within-entitled cause; that said deposition was taken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

That before completion of the deposition, review of the transcript was was not requested. If requested, any changes made by the deponent (and provided to the reporter) during the period allowed are appended hereto.

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

DATED December 17, 2008.



HOLLY THUMAN, CSR No. 6834

Deposition of Uwe Koehler, December 5, 2008

<u>Page</u>	<u>Line</u>	<u>Change</u>	<u>Reason</u>
15	23	Change "involved" to "aware"	Clarification
40	21	Change "has happened" to "has not happened"	Clarification
42	24	Change "analyze" to "analyzing"	Correction
43	8	Change "may" to "may not"	Clarification

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

Uwe Koehler
 Signature

20-Jan-09
 date