

EXHIBIT 25

Volume 1, Pages 1 - 309 Exhibits: 1083 - 1100

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,

Case Number

vs.

07-CV-01658 PJH (EDL)

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

VIDEOTAPED DEPOSITION OF OWEN F. O'NEIL

March 10, 2009, 10:36 a.m.

1657 Sheraton Hotel, Worcester Road

Framingham, Massachusetts

Reporter: Dana Welch, CSR, RPR, CRR

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11:57:55 12 Q. And did he tell you why you were being

11:58:00 13 terminated?

11:58:01 14 A. I mean, it had become pretty clear. I was

11:58:06 15 -- you know, like I said, at that point I was a

11:58:08 16 pariah, nobody even wanted to talk to me. Because

11:58:14 17 all I was doing is thumping my fist on the -- on

11:58:18 18 the desk. And I mean, no one wanted to talk to me.

11:58:26 19 I wasn't surprised.

11:58:26 20 But to give you an idea -- you know, it's

11:58:28 21 like when I was in San Antonio, I was sitting in a

11:58:31 22 full meeting with the service automation team and I

11:58:34 23 was screaming at the top of my lungs, thumping my

11:58:40 24 fist on the table, saying you're going to get sued.

11:58:46 25 Q. San Antonio, do you remember when that

11:58:49 1 was?

11:58:51 2 A. You and the dates.

11:58:53 3 Q. I'm sorry. Do you think it might have
11:58:55 4 been in 2006?

11:58:56 5 A. Yeah. It was -- it was like four or
11:59:00 6 five months before the lawsuit actually was -- came
11:59:05 7 down.

11:59:05 8 Q. So the end of 2006?

11:59:06 9 A. (Nodding head up and down.)

11:59:07 10 Q. And you said you were in a meeting with
11:59:10 11 the service automation team?

11:59:11 12 A. Uh-huh.

11:59:12 13 Q. So that was Greg Nelson?

11:59:14 14 A. No. I don't think Greg was there. My --

11:59:18 15 Q. Do you remember who was there?

11:59:20 16 A. Yeah. Well, Mark DeLing, who was my
11:59:23 17 report-to, he was also the manager of this whole
11:59:26 18 segment of the group and testosterone -- I mean,
11:59:33 19 Josh Testone.

11:59:34 20 Q. I'm sure that's not the first time that's
11:59:38 21 happened to him.

11:59:39 22 What were you screaming about?

11:59:48 23 A. There was another project that was going
11:59:50 24 on called Titan. And I didn't like Titan. I spoke
12:00:00 25 up when they first -- first suggested it. I did

12:00:03 1 everything I could to prevent them from developing
12:00:06 2 it. And at one point I even refused to work on it.

12:00:15 3 Q. Why were you opposed to it?

12:00:18 4 A. Because it crosses the line, in my
12:00:20 5 opinion. And it's not because I think it's
12:00:22 6 inherently illegal but it's close enough to be on
12:00:26 7 the fringe to not be, you know -- see, all it did
12:00:30 8 is it just made this cumbersome job go much faster,
12:00:36 9 but the method it used -- it's a sketchy -- you
12:00:43 10 know, it's called scraping, you know, and what you
12:00:47 11 do is you go to a website and, you know, it's like
12:00:52 12 you think about oh, I'm going to a website, so I go
12:00:54 13 and I type the Web address up there.

12:00:56 14 Doesn't have to be like that. I can write
12:00:59 15 something that just goes and looks for websites and
12:01:02 16 you don't have to see anything on the screen. It's
12:01:05 17 not like you type it in. But I can go interact
12:01:09 18 with that website kind of off to the side. I can
12:01:13 19 say send it this and give me that.

12:01:15 20 So let's say that -- let's say that I'm
12:01:20 21 Stop&Shop and I run my website and I have all my
12:01:24 22 specials on there. All right. And then you have
12:01:30 23 Whole Foods on the other side.

12:01:33 24 Now, here's where I believe the legality
12:01:35 25 breaks down or here's the problem, is that if Whole

12:01:40 1 Foods goes and scrapes the information from -- from
12:01:45 2 Stop&Shop's site in order to keep on eye on the
12:01:53 3 prices and to beat their prices -- in other words,
12:01:55 4 if they're using a free accessible Web page to make
12:01:59 5 money for themselves, I think that's the problem.

12:02:06 6 And essentially, that's the argument with
12:02:09 7 -- with scraping. It all comes down to when you
12:02:13 8 make the profit. I mean, anybody can -- you know,
12:02:16 9 I mean, you can go out and scrape all you want as
12:02:19 10 long as you're not making money off it.

12:02:22 11 But the minute you start to make money off
12:02:24 12 it, now what you got to focus on are the terms of
12:02:27 13 use. And I read those -- Oracle's, you know, terms
12:02:34 14 of use and I felt like we were at least in
12:02:38 15 violation of its -- what's the word -- point -- its
12:02:45 16 -- you know, what's that legal term, the faith of
12:02:49 17 the document?

12:02:50 18 Q. The spirit of the document?

12:02:51 19 A. Yeah. The spirit. And I'm not a lawyer
12:02:54 20 so I can't really tell you that that specifically
12:02:57 21 is illegal or not. I just felt like, oh, you want
12:03:04 22 to get Oracle's attention, go start hitting their
12:03:07 23 website a million times a day, you'll get it, and
12:03:11 24 that's exactly what happened.

12:03:13 25 Q. And this was Customer Connection?

OWEN F. O'NEIL March 10, 2009

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12:03:15 1 A. Yeah.

12:03:15 2 Q. And so Titan was designed to go and scrape
12:03:19 3 Customer Connection?

12:03:21 4 A. Yeah.

12:03:21 5 Q. And you have described how you thought
12:03:25 6 that conflicted with the Customer Connection terms
12:03:28 7 of use?

12:03:29 8 A. (Nodding head up and down.)

12:03:29 9 Q. Is that what you told the automation team
12:03:32 10 at San Antonio?

12:03:33 11 A. At the top of my lungs.

12:03:35 12 Q. And what did they respond?

12:03:37 13 A. Oh, that Owen. Why don't you just sit
12:03:43 14 down and shut up. How's that? You know, got
12:03:49 15 pretty much the same response I got with everything
12:03:52 16 else, you know. They listened but I don't think
12:03:56 17 they heard it, you know. And I don't know how to
12:04:01 18 describe it any more than that.

12:04:02 19 Q. This was Mr. DeLing and Mr. Testone?

12:04:06 20 A. Yeah.

12:04:07 21 Q. Did you take your concerns to anyone else?

12:04:11 22 A. No. I mean, Greg Nelson knew of my, you
12:04:14 23 know, particular -- I mean, he -- and my assumption
12:04:18 24 is that Mark DeLing gave him any information, you
12:04:24 25 know, gave him tons of information about what I had

12:04:27 1 to say.

12:04:27 2 Q. Did you ever discuss it yourself with Mr.
12:04:30 3 Greg Nelson?

12:04:31 4 A. No. We weren't talking.

12:04:32 5 Q. Did you ever discuss it with anyone else
12:04:35 6 besides Mr. Testone and Mr. DeLing?

12:04:38 7 A. Well, the entire service automation team
12:04:41 8 was at this meeting. So, yeah, there was a whole
12:04:45 9 pile of them. You know, probably most of them are
12:04:47 10 on your subpoena list. Like John Richie
12:04:54 11 (phonetic), I think that's his name, John Richie.

12:04:57 12 Q. Yes.

12:04:58 13 A. And then -- well, I don't know if you have
12:05:00 14 Scott, Scott Haberman, is -- is he on there? I'm
12:05:04 15 trying to remember the names of all these people
12:05:06 16 but I really can't. But the truth is is Titan was
12:05:11 17 Josh's baby and Greg's.

12:05:14 18 Q. And it went forward, right?

12:05:16 19 A. Yeah. Oh, yeah.

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CERTIFICATE

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Commonwealth of Massachusetts
Suffolk, ss.

I, Dana Welch, Registered Professional
Reporter, Certified Realtime Reporter and Notary
Public in and for the Commonwealth of Massachusetts,
do hereby certify that OWEN F. O'NEIL, 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 neither related
to nor employed by any of the parties in or counsel
to this action, nor am I financially interested in
the outcome of this action.

In witness whereof, I have hereunto set my
hand and seal this 13th day of March, 2009.



Dana Welch

Dana Welch
Notary Public
My commission expires:
October 22, 2010