

# **EXHIBIT 6**

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-01658 (MJJ)

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

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ORAL VIDEOTAPED DEPOSITION

JOHN BAUGH

AUGUST 13, 2009

ORAL VIDEOTAPED DEPOSITION OF JOHN BAUGH, produced as a witness at the instance of the Plaintiffs and duly sworn, was taken in the above-styled and numbered cause on the 13th day of August, 2009, from 8:33 a.m. to 2:04 p.m., before Dana Richardson, Certified Shorthand Reporter in and for the State of Texas, reported by computerized stenotype machine at the office of Jones Day, 717 Texas, Suite 3300, Houston, Texas 77002-2712, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record or attached hereto.

Job No. 1603-92155

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13:02:50 1  
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MR. HOWARD: Let me mark as Exhibit 1550 an  
e-mail from John Baugh dated August 28th, 2007.

(Exh.1550 marked)

Q. (By Mr. Howard) Mr. Baugh, is Exhibit 1550 an e-mail  
that you sent on August 28, 2007?

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13:04:54 1 A. Yes.

13:04:57 2 Q. And in that e-mail, did you identify clients with

13:05:03 3 environments that were working from a shared install?

13:05:07 4 A. Yes.

13:05:08 5 Q. And are those the same clients you identified in your

13:05:10 6 February 6th, 2008, testimony to me?

13:05:15 7 MR. WILKES: Objection, form.

13:05:22 8 A. I don't recall whether they were or not.

13:05:44 9 Q. (By Mr. Howard) Let me read you your testimony.

13:05:45 10 A. Okay.

13:05:46 11 Q. Talking about the HR751CSS database. You talked to

13:05:51 12 Catherine Hyde about it.

13:05:55 13 I say: "QUESTION: What did she say?

13:05:56 14 "ANSWER: She said there was still or there was

13:05:58 15 four clients being supported on this database.

13:06:02 16 "QUESTION: Did she say who the clients were?

13:06:04 17 "ANSWER: Those clients are Advanced Auto

13:06:07 18 Parts, Bear Stearns, Heritage Valley Healthcare and Universal

13:06:10 19 City Studios, I think it is."

13:06:13 20 Do you recall that testimony?

13:06:15 21 A. Yes.

13:06:15 22 Q. And are those the same four clients that are

13:06:18 23 identified on Exhibit 1549, the cross-use environments meeting

13:06:33 24 that occurred on February 8, 2008?

13:06:36 25 A. Yes.

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13:06:38 1 Q. And are those same clients identified in your e-mail  
13:06:42 2 of August 28, 2007, as client environments working from a  
13:06:47 3 shared install?

13:06:48 4 A. Yes.

13:06:51 5 Q. So, no later than August 28, 2007, everybody on your  
13:06:57 6 e-mail, Exhibit 1550, knew that these client environments were  
13:07:02 7 working from a shared install?

13:07:05 8 MR. WILKES: Objection, form.

13:07:05 9 A. Yes.

13:07:07 10 Q. (By Mr. Howard) And that included Shelley Nelson?

13:07:09 11 A. Yes.

13:07:11 12 Q. Included Kathy Williams?

13:07:12 13 A. Yes.

13:07:13 14 Q. Included the Greg Lanier?

13:07:16 15 MR. WILKES: Objection, form.

13:07:16 16 A. Yes.

13:07:18 17 Q. (By Mr. Howard) And can you explain why these  
13:07:22 18 environments were not prioritized at least as of your  
13:07:27 19 August 28, 2007, e-mail?

13:07:31 20 MR. WILKES: Objection, form.

13:07:32 21 A. No.

13:07:37 22 Q. (By Mr. Howard) Don't you think they should have  
13:07:38 23 been?

13:07:42 24 MR. WILKES: Objection, form.

13:07:48 25 A. I believe they should have been based on our meeting.

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13:07:54 1 Q. (By Mr. Howard) Did anybody respond to your e-mail  
13:07:56 2 and say "Prioritize these right away"?

13:07:59 3 MR. WILKES: Objection, form.

13:08:02 4 A. I don't recall what their -- what response I got to  
13:08:07 5 this e-mail, if any.

13:08:08 6 Q. (By Mr. Howard) Was there any cross-use environments  
13:08:10 7 meeting convened immediately, such as the one reflected in  
13:08:14 8 Exhibit 1549 after you sent your e-mail on August 28, 2007?

13:08:19 9 MR. WILKES: Objection, form.

13:08:23 10 A. Not that I recall.

13:08:25 11 Q. (By Mr. Howard) Did anybody say in response to your  
13:08:27 12 August 28, 2007, e-mail, as Mr. Guzman writes in his meeting  
13:08:32 13 minutes on February 8, 2008: "These clients need to be  
13:08:36 14 prioritized to the front of the line in the environments  
13:08:38 15 project and get completed immediately"?

13:08:41 16 MR. WILKES: Objection, form.

13:08:43 17 A. Not that I recall.

13:08:44 18 Q. (By Mr. Howard) It wasn't until you gave your  
13:08:46 19 testimony under oath to me on February 6th, 2008, that such a  
13:08:51 20 meeting was convened and these environments were given that  
13:08:54 21 top priority; is that right?

13:08:57 22 MR. WILKES: Objection, form.

13:09:04 23 A. Yes.

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STATE OF TEXAS

COUNTY OF HARRIS

REPORTER'S CERTIFICATE

I, Dana Richardson, a Certified Shorthand Reporter in and for the State of Texas, do certify that this deposition transcript is a true record of the testimony given by the witness named herein, after said witness was duly sworn by me. The witness was requested to review the deposition.

I further certify that I am neither attorney or counsel for, related to, nor employed by any parties to the action in which this testimony is taken and, further, that I am not a relative or employee of any counsel employed by the parties hereto or financially interested in the action.

I further certify that the amount of time used by each party at the deposition is as follows:

Mr. Mr. Geoffrey M. Howard - 04:10

Mr. J. Laurens Wilkes - 00:00

SUBSCRIBED AND SWORN TO under my hand and seal of office on this the 18 day of August

2009

*Dana Richardson*

Dana Richardson, CSR

Texas CSR 5386

Expiration: 12/31/09

Merrill Legal Solutions, Firm No. 210

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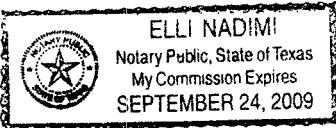
1 I declare under penalty of perjury that the foregoing is  
2 true and correct.

*[Handwritten Signature]*

JOHN BAUGH

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8 SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned  
9 authority, by the witness, JOHN BAUGH, on this the 11<sup>th</sup> day  
10 of September, 2009.

*[Handwritten Signature]*



11  
12  
13 NOTARY PUBLIC IN AND FOR  
14 THE STATE OF Texas

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16 My Commission Expires: Sept 24, 2009

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