

EXHIBIT 9

IN THE DISTRICT COURT OF THE UNITED STATES

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-1658 (PJH)

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

The Videotaped Deposition of MARK DELING,
Taken at 187 Monroe Street, N.W.,
Grand Rapids, Michigan,
Commencing at 8:39 a.m.,
Thursday, August 27, 2009,
Before Renee J. Ogden, RPR, CSR-3455.

MARK DELING August 27, 2009

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09:42:27 1

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09:42:40 3

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09:42:50 10

09:42:53 11 Q. Why don't we do it this way: What high level concerns

09:42:55 12 did you discuss with Mr. Ritchie with regard to Titan?

09:42:57 13 MR. WILKES: Objection, form. Keep in my

09:43:04 14 mind my same instructions about privileged

09:43:04 15 information.

09:43:08 16 A. Just concerns about if TomorrowNow had the right to

09:43:09 17 download those files.

09:43:09 18 BY MS. HANN:

09:43:10 19 Q. Using Titan?

09:43:11 20 MR. WILKES: Objection, form.

09:43:11 21 A. That is correct.

09:43:12 22 BY MS. HANN:

09:43:17 23 Q. And you are speaking of files from Customer

09:43:17 24 Connection?

25 MR. WILKES: Objection, form.

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09:43:18 1 A. That is correct.

09:43:24 2 BY MS. HANN:

09:43:27 3 Q. Who in management was made aware of those concerns to
09:43:27 4 your knowledge?

09:43:31 5 MR. WILKES: Objection, form. Keep in my
09:43:34 6 mind my same instruction about privileged information.

09:43:35 7 A. Greg Nelson.

09:43:36 8 BY MS. HANN:

09:43:36 9 Q. Anyone else?

09:43:37 10 A. Not that I remember.

09:43:45 11 Q. Did anything change with regard to how TomorrowNow was
09:43:46 12 using Titan?

09:43:48 13 MR. WILKES: Objection, form.

09:43:49 14 A. Not that I remember.

09:43:53 15 BY MS. HANN:

09:43:56 16 Q. Were any Titan activities ever put on hold to your
09:43:59 17 knowledge because of anyone's concerns?

09:43:59 18 MR. WILKES: Objection, form.

09:44:00 19 A. Not that I remember.

09:44:01 20 BY MS. HANN:

09:44:04 21 Q. Was any downloading in general put on hold because of
09:44:05 22 anyone's concerns?

09:44:07 23 MR. WILKES: Objection, form.

09:44:14 24 A. Not that I remember.

25

CERTIFICATE OF NOTARY


STATE OF MICHIGAN)

) SS

COUNTY OF WAYNE)

I, RENEE J. OGDEN, a Notary Public in
and for the above county and state, do hereby
certify that the above deposition was taken before
me at the time and place hereinbefore set forth;
that the witness was by me first duly sworn to
testify to the truth, and nothing but the truth;
that the foregoing questions asked and answers made
by the witness were duly recorded by me
stenographically and reduced to computer
transcription; that this is a true, full and correct
transcript of my stenographic notes so taken; and
that I am not related to, nor of counsel to either
party nor interested in the event of this cause.

Dated: September 3rd, 2009.



RENEE J. OGDEN, CSR-3455

Notary Public,

Wayne County, Michigan

My Commission expires: June 21, 2012

 **BIENENSTOCK**
COURT REPORTING & VIDEO
7401 G44-2000

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1 Oracle CORPORATION, a Delaware
2 corporation, Oracle USA, INC.,
3 a Colorado corporation, and Oracle
4 INTERNATIONAL CORPORATION, a
5 California corporation,
6 Plaintiffs,

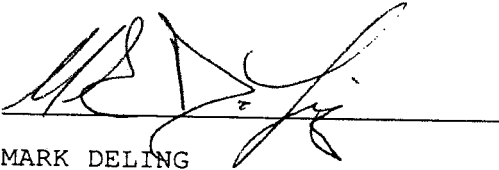
7 vs. Case No. 07-CV-1658 (PJH)

8 SAP AG, a German corporation,
9 SAP AMERICA, INC., a Delaware
10 Corporation, TOMORROWNOW, INC.,
11 A Texas corporation and
12 DOES 1-50, inclusive,
13 Defendants.

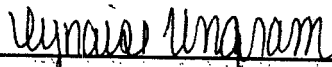
14
15 VERIFICATION OF DEPONENT
16

17 I, having read the foregoing deposition
18 consisting of my testimony at the aforementioned time
19 and place, do hereby attest to the correctness and
20 truthfulness of the transcript.
21

22
23
24
25
LYNAISE INGRAM
Notary Public, State of Michigan
County of Kent
My Commission Expires Oct. 05, 2014
Acting in the County of Kent


MARK DELING

Dated: 9-17-2009



Merrill Legal Solutions

9-17-09

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