

# EXHIBIT M

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

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ORACLE CORPORATION, a Delaware  
Corporation; ORACLE, USA, INC.,  
a Colorado Corporation, and  
ORACLE INTERNATIONAL CORPORATION,  
a California Corporation,

Plaintiffs,

Vs. No. 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.  
\_\_\_\_\_ /

VIDEOTAPED DEPOSITION OF  
PAUL PINTO  
\_\_\_\_\_

Wednesday, May 19, 2010

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Reported By: WENDY E. ARLEN, CSR #4355, CRR, RMR  
Job 427372

TEXT REMOVED - NOT RELEVANT TO MOTION

10:02 5 Q. Okay. Okay. Now, to -- back to  
6 Exhibit 2052, sir. On tab 1 of that document, you  
7 see that in front of you?

8 A. I do.

9 Q. It says: "Subjectivity Associated with  
10:03 10 Hand-Counting Function Points." Do you see that as  
11 the title?

12 A. I do.

13 Q. And on the left-hand -- leftmost column of  
14 the three columns there, it says in the middle of the  
10:03 15 three entries "Neuendorf's Hand-count." What does  
16 that mean?

17 A. Yes. So that was a hand-count of the same  
18 documents Mr. Garmus counted as performed by Steve  
19 Neuendorf.

10:03 20 Q. And who is he?

21 A. Mr. Neuendorf is a certified function point  
22 counting specialist engaged by NIIT.

23 Q. He was engaged by NIIT for work in this case?

24 A. He's -- I don't know if it's for work in this  
10:04 25 case. NI -- he's part of NIIT.

1 Q. Okay. You mention here in this document 2050  
2 tab 1 Neuendorf's hand-count. He conducted a  
3 hand-count for you at your request?

4 A. Yes.

10:04 5 Q. Did you engage him?

6 A. I did as part of my engagement with NIIT,  
7 yes.

8 Q. Okay. So he was part of that team that  
9 worked with you under your guidance on this project?

10:04 10 A. Well, that team was assembled and  
11 disassembled a while ago.

12 Q. Okay. So he's a new addition. He's a new  
13 NIIT consultant --

14 A. Correct.

10:04 15 Q. -- working with you for rebuttal purposes.

16 A. Correct.

TEXT REMOVED - NOT RELEVANT TO MOTION

21 Q. And you said Mr. -- how does he pronounce his  
22 name?

23 A. I believe it's Neuendorf.

24 Q. Neuendorf. Okay. You said Mr. Neuendorf is  
10:05 25 a certified function point specialist?

1 A. Yes.

2 Q. Are you a certified function point  
3 specialist?

4 A. I am not.

10:05 5 Q. Were you at any time a certified function  
6 point specialist?

7 A. No.

8 Q. Including at the time you prepared your  
9 function point analysis in the report, right?

10:05 10 A. That's correct.

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10:09	20	important. The process asserted by Mr. Garmus is to
	21	take the user manuals and perform a hand-count. So
	22	an individual, a trained and skilled individual
	23	reading through the documentation has the ability to
	24	go through and hand-count the number of function
10:10	25	points and then go through and determine the level of

1            complexity associated with those function points and  
2            come up with an adjusted function point count.

TEXT REMOVED - NOT RELEVANT TO MOTION

CERTIFICATE OF REPORTER

I, WENDY E. ARLEN, 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 use and that I am not related to any of the parties thereto.



DATED: May 25, 2010

Wendy E Arlen

WENDY E. ARLEN CSR, No. 4355