

EXHIBIT O

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND 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.)

"HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY"

ORAL VIDEOTAPED DEPOSITION

JOHN RITCHIE

DECEMBER 2, 2009

ORAL VIDEOTAPED DEPOSITION OF JOHN RITCHIE, produced as a witness at the instance of the Plaintiffs and duly sworn, was taken in the above-styled and numbered cause on the 2nd day of December, 2009, from 9:52 a.m. to 3:30 p.m., before Dana Richardson, Certified Shorthand Reporter in and for the State of Texas, reported by computerized stenotype machine at the Hilton Hotel & Conference Center, 801 University Drive East, College Station, Texas 77840, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record or attached hereto.

Job No. 1603-93483

TEXT REMOVED - NOT RELEVANT TO MOTION

14:37:41 5 Q. And you tested while Titan was running to determine
14:37:41 6 when Titan started to return error messages, right?
14:37:45 7 A. Right.
14:37:45 8 Q. And there is no single document we looked at today
14:37:48 9 that in any way, shape or form says that the error messages
14:37:52 10 came because of overloaded the website, right? Every document
14:37:57 11 says some error message or error message for some reason,
14:37:59 12 right?
14:38:00 13 A. Well, you have not shown me any of my log files. The
14:38:01 14 log files do show that.
14:38:02 15 Q. The log files show a 404 message, right?
14:38:07 16 A. Actually, they show a broken connection.
14:38:08 17 Q. A broken connection?
14:38:10 18 A. Yes.
14:38:11 19 Q. Does it say why the connection broke?
14:38:13 20 A. Yes.
14:38:13 21 Q. What precisely would it say to prove that it was a
14:38:16 22 break caused by overload of the Oracle website?
14:38:17 23 A. Oh, it would not break because of overload. It just
14:38:20 24 breaks.
14:38:21 25 Q. It just breaks. Break because a mouse chews through

14:38:25 1 a cable, maybe?

14:38:26 2 A. Maybe or maybe because you're accessing too much
14:38:27 3 information at once.

14:38:28 4 Q. Or it breaks because there's a storm or there's a
14:38:31 5 sunspot and sometimes things don't work so well, right?

14:38:34 6 A. Yeah, or because they're running Windows and we all
14:38:37 7 know Windows has problems.

TEXT REMOVED - NOT RELEVANT TO MOTION

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INSTRUCTIONS FOR READING/CORRECTING YOUR DEPOSITION

To assist you in making changes and /or corrections to your deposition testimony, please follow the directions below. If additional pages are necessary, please furnish them and attach the pages to the back of the errata sheet.

Please read your transcript carefully. If you find any errors or changes you wish to make, insert the changes and/or corrections on the errata sheet by listing the page and the line number reference and then the change you wish to make.

Please do not make any changes and /or corrections on the face of the transcript.

Please do NOT change any of the questions.

After completing your review, please sign the last page of the errata sheet, above the designated "Signature" line and return the Errata sheets to Merrill Legal Solutions at 135 Main Street, 4th Floor, San Francisco, CA 94105 or fax them to (415) 357.4301.

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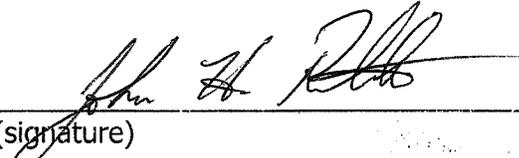
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_____ No changes have been made. I certify that the transcript is true and correct.



(signature)

12/18/09

(date)

1 STATE OF TEXAS
2 COUNTY OF HARRIS

3 REPORTER'S CERTIFICATE

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

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

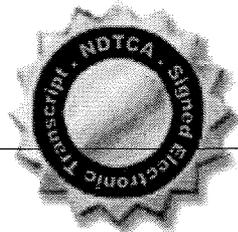
14 I further certify that the amount of time used by each
15 party at the deposition is as follows:

16 Mr. Geoff Howard - 03:47

17 Mr. Greg Lanier - 00:56

18 SUBSCRIBED AND SWORN TO under my hand and seal of office
19 on this the 8 day of December,
20 2009.

21 Dana Richardson



22 Dana Richardson, CSR
23 Texas CSR 5386
24 Expiration: 12/31/11
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