

EXHIBIT P

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.) 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.)

VIDEOTAPED DEPOSITION OF
KEVIN MANDIA

VOLUME 2; PAGES 291 - 570

FRIDAY, MAY 21, 2010

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

REPORTED BY: HOLLY THUMAN, CSR No. 6834, RMR, CRR
(1-427384)

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11:42:05 6 Q. Yes. Did you look at anything else, any
11:42:07 7 other data at all, other than Mr. Ritchie's
11:42:10 8 deposition, the Titan source code, and the Titan
11:42:13 9 log files to form your opinion and conclusions
11:42:18 10 regarding what if any impact Titan had on Oracle's
11:42:21 11 websites?
11:42:23 12 A. Again, I relied on Mr. Ritchie's 15 years
11:42:26 13 of web development experience and his perspective,
11:42:31 14 his roadmap, the log files that Titan created at
11:42:36 15 TomorrowNow, and the source code that we did get an
11:42:39 16 opportunity to review.

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11:48:26	16	MR. COWAN: Q. Yeah. If there was any
11:48:29	17	impact by the use of Titan on Oracle's websites,
11:48:36	18	that impact should have been revealed in some way
11:48:40	19	on the various logs that Oracle maintained related
11:48:45	20	to its website and related computer systems.
11:48:50	21	MR. LEWIS: Objection.
11:48:50	22	MR. COWAN: Q. Correct?
11:48:51	23	MR. LEWIS: Objection. Vague, calls for
11:48:53	24	speculation, no foundation.
11:48:56	25	THE WITNESS: That is not necessarily the

11:48:57 1 case. When you have a system that crashes, first
11:49:01 2 you need to know what portion of the infrastructure
11:49:05 3 is in fact creating the inability to do that which
11:49:09 4 it's intended to do.

11:49:11 5 Customer Connection was a relatively
11:49:15 6 complex site. You have databases interacting with
11:49:18 7 it, you have web server interacting with it.

11:49:21 8 So depending on what made it crash would
11:49:24 9 be what would cause potential logging or not
11:49:27 10 potential logging. It all depends on what made it
11:49:31 11 happen.

11:49:32 12 I have a 15-year veteran telling me,
11:49:35 13 telling the world through deposition under oath,
11:49:36 14 that when he went in to it connect to TomorrowNow
11:49:42 15 while running Titan, he simply couldn't do it. And
11:49:44 16 I've learned from experience that if I can't go to
11:49:47 17 www.google.com, that I'll try some other site to
11:49:51 18 see if I can connect. And functionally,
11:49:52 19 Mr. Ritchie does a similar test.

11:49:55 20 And I believe a 15-year web developer who
11:49:56 21 is asked to write Titan certainly can diagnose when
11:50:00 22 he crashes a website.

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18:31:07

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THE VIDEO OPERATOR: This concludes Volume

18:31:08

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2 in the deposition of Kevin Mandia. We are off

18:31:11

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the record at 6:31.

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(Time noted, 6:31 p.m.)

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I declare under penalty of perjury that

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the foregoing is true and correct. Subscribed at

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Exton, PA, ~~California~~, this 6 day of

9

JULY 2010.

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KEVIN MANDIA

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1 CERTIFICATE OF REPORTER

2 I, HOLLY THUMAN, a Certified Shorthand
3 Reporter, hereby certify that the witness in the
4 foregoing deposition was by me duly sworn to tell
5 the truth, the whole truth, and nothing but the
6 truth in the within-entitled cause;

7 That said deposition was taken down in
8 shorthand by me, a disinterested person, at the time
9 and place therein state, and that the testimony of
10 said witness was thereafter reduced to typewriting,
11 by computer, under my direction and supervision;

12 That before completion of the deposition review
13 of the transcript ☒ was [] was not requested. If
14 requested, any changes made by the deponent (and
15 provided to the reporter) during the period allowed
16 are appended hereto.

17 I further certify that I am not of counsel or
18 attorney for either or any of the parties to the
19 said deposition, nor in any way interested in the
20 event of this cause, and that I am not related to
21 any of the parties thereto.

22
23 DATED: June 4, 2010

24 Holly Thuman
25 HOLLY THUMAN, CSR