EXHIBIT Q

IN THE 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.	) 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 SETH RAVIN

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JULY 21, 2010

VOLUME II

(Pages 276 - 382)

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

REPORTED BY: SARAH LUCIA BRANN, CSR 3887 (#429524)

11:16:03   3   Q.   Anything else besides PeopleSoft, Siebel,

11:16:06   4   JDEdwards, and SAP at a higher -- at the highest

11:16:09   5   level?

11:16:09   6   A.   Those are the product lines today we

11:16:11   7   support.

11:16:11   8   Q.   I noticed by looking on your web site

11:16:15   9   there are a portion you call product and releases

11:16:19   10   that lists not only -- the product lines and

11:16:21   11   releases. To the best of your knowledge, is that

11:16:24   12   information that's currently on your web site

11:16:25   13   current?

11:16:30   14   A.   I believe so.

11:16:30   15   Q.   And over time has Rimini Street attempted

11:16:34   16   to make sure that that information is current as you

11:16:36   17   added new product lines?

11:16:38   18   A.   I believe so.

11:16:39   19   Q.   When did you first start supporting

11:16:41   20   Siebel?

11:16:43   21   A.   We launched the product availability in --

11:16:47   22   with the company's launch in September of 2005, and

11:16:52   23   began supporting our first customer, I believe, in

11:16:55   24   early 2006.

11:16:58   25   Q.   And in early 2006, would that be like

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11:17:03	1	January, February of 2006?
11:17:05	2	A. I don't remember specifically, but I
11:17:07	3	believe it was early 2006.
11:17:10	4	Q. And Siebel was the first product line you
11:17:13	5	supported?
11:17:13	6	A. Yes.
11:17:14	7	Q. What was the next product line you
11:17:16	8	supported?
11:17:17	9	A. We added in PeopleSoft.
11:17:21	10	Q. When did you begin supporting that?
11:17:24	11	A. I believe it was sometime in mid-2006.
11:17:33	12	Q. What about JDEdwards?
11:17:36	13	A. I believe sometime shortly thereafter.
11:17:39	14	Q. When you say mid-2006, are you saying May,
11:17:42	15	June, July 2006?
11:17:44	16	A. I believe in that range.
11:17:45	17	Q. When did you --
11:17:48	18	A. I am sorry. You know, it may have
11:17:49	19	actually been 2007. I don't remember exactly.
11:17:54	20	Q. For JDEdwards?
11:17:56	21	A. For JDEdwards and PeopleSoft, because we
11:17:59	22	had to wait until a particular non-compete expired
11:18:02	23	with SAP.
11:18:03	24	Q. And that's related to your non-compete
11:18:05	25	agreement with SAP and TomorrowNow?

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11:18:09   1   A.   That is correct.

11:18:09   2   Q.   What was your understanding about the

11:18:11   3   length of that non-compete?

11:18:13   4   A.   I don't remember exactly what the timeline

11:18:16   5   was, but it related to some -- I think it was at

11:18:19   6   least one year after my departure from SAP, which

11:18:23   7   was March of 2005.

11:18:26   8   Q.   So, assuming it was a one-year

11:18:30   9   non-compete, could you begin through Rimini Street

11:18:34   10   supporting PeopleSoft and JDEdwards, at least

11:18:37   11   promoting the services, at the beginning of March of

11:18:42   12   '06?

11:18:43   13   A.   It would have been shortly after the

11:18:45   14   non-compete expired.

11:18:46   15   Q.   When did you -- when did Rimini begin

11:18:50   16   supporting SAP product?

11:18:52   17   A.   We began supporting -- we launched SAP

11:18:55   18   initiative in May of 2008, officially launched the

11:19:01   19   service in May of 2009.

11:19:04   20   Q.   What is your understanding of when Oracle

11:19:06   21   acquired Siebel?

11:19:09   22   A.   My understanding of when Oracle acquired

11:19:12   23   Siebel was around September of 2005.

11:19:16   24   Q.   And so you did not -- Rimini Street did

11:19:19   25   not actually begin supporting Siebel until after

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11:19:21	1	Oracle had already acquired it.
11:19:23	2	A. I believe technically the acquisition
11:19:27	3	wasn't completed at the time that we had launched
11:19:30	4	Rimini Street in September of 2005.
11:19:32	5	Q. Did you consider yourself in -- did you
11:19:35	6	consider Rimini Street in competition with Oracle
11:19:38	7	when it began servicing Siebel customers in early
11:19:41	8	2006?
11:19:43	9	A. I believe we were competitors in the
11:19:46	10	support services products, yes.
11:19:48	11	Q. Did you consider Rimini Street to be
11:19:51	12	competing with TomorrowNow at that time?
11:19:57	13	A. I don't believe TomorrowNow had a Siebel
11:19:58	14	product at the time that we launched our Siebel
11:20:01	15	product at Rimini Street.
11:20:03	16	Q. Did you consider -- once Rimini Street
11:20:07	17	began supporting PeopleSoft, did you consider Rimini
11:20:10	18	Street to be competing with Oracle?
11:20:13	19	A. Yes, they were a competitor of ours for
11:20:16	20	support services.
11:20:18	21	Q. Who else did you consider Rimini Street to
11:20:21	22	be competing with at that time?
11:20:23	23	A. Well, we considered CedarCrestone a
11:20:27	24	competitor for PeopleSoft product, and we considered
11:20:32	25	netCustomer a competitor for JDEdwards product. And

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11:20:36   1   there was another company, VersaTech, which we

11:20:40   2   considered a competitor for JDEdwards product.

11:20:43   3   Q.   And for all of the customers that you were

11:20:46   4   acquiring during that time did you consider yourself

11:20:48   5   being in the market and having to compete to gain

11:20:50   6   those customers with those entities you just

11:20:52   7   described?

11:20:53   8   A.   Yes.

11:20:55   9   Q.   Would that also include TomorrowNow?

11:20:57   10   A.   Yes.

11:20:59   11   Q.   Any others as you sit here today that you

11:21:01   12   can recall back in that 2006 time frame?

11:21:05   13   A.   There was another company in the Denver

11:21:08   14   area that I don't recollect the name of.

11:21:14   15   Q.   What about in 2007? What are the

11:21:19   16   companies that you considered Rimini Street to be in

11:21:22   17   competition with?

11:21:24   18   A.   CedarCrestone continuously since the

11:21:28   19   inception of Rimini Street for PeopleSoft product.

11:21:32   20   NetCustomer continued to be a competitor for both

11:21:37   21   PeopleSoft and JDEdwards. And I believe those

11:21:40   22   were -- and VersaTech continued as a competitor for

11:21:47   23   JDEdwards products.

11:21:49   24   Q.   What about -- you mentioned Spinnaker.

11:21:52   25   Were you competing with Spinnaker in the 2007 time

11:21:56	1	frame?
11:21:57	2	A. I don't believe Spinnaker entered the
11:22:00	3	third party support business until roughly in the
11:22:02	4	September-October 2008 time frame.
11:22:10	5	Q. And all the competitors that you have
11:22:11	6	named so far, did you consider them to be
11:22:16	7	substantial competitors to Rimini Street at the
11:22:19	8	time?
11:22:20	9	MR. HOWARD: Objection to form.
11:22:22	10	MR. COWAN: Q. Do you understand what I
11:22:22	11	mean by "substantial"?
11:22:24	12	A. No. If you could clarify, please.
11:22:26	13	Q. In the sense of that they were a real
11:22:29	14	threat to Rimini Street's ability to get customers,
11:22:32	15	in other words, it was real competition, not someone
11:22:34	16	that was just in the market servicing a few
11:22:37	17	customers, but someone that was a robust competitor
11:22:40	18	that you and Rimini Street had to aggressively
11:22:45	19	market against and compete against.
11:22:47	20	MR. HOWARD: Objection to form. Vague and
11:22:48	21	ambiguous.
11:22:49	22	MR. COWAN: Q. So with that
11:22:50	23	definition you -- now you understand what I mean by
11:22:52	24	substantial competition?
11:22:53	25	A. Yes. Yes. We often competed head to head

11:22:57 1   against CedarCrestone in PeopleSoft projects. We --

11:23:02 2   again, when Spinnaker entered the marketplace they

11:23:06 3   had over, I believe, 80 customers. They were larger

11:23:10 4   than we were in the JDEdwards support space, with a

11:23:12 5   wider offering internationally.

11:23:14 6   And netCustomer had been in the business

11:23:21 7   as a -- coming off being a contractor for

11:23:24 8   PeopleSoft, and had apparently, according to them,

11:23:26 9   substantial business. And VersaTech claimed to have

11:23:30 10   over 100 customers. So I would say that would make

11:23:32 11   them all substantial players.

11:23:34 12   Q.   And was TomorrowNow still a substantial

11:23:37 13   competitor in the 2007 time frame?

11:23:40 14   A.   Absolutely, our largest outside of the

11:23:42 15   vendors themselves.

11:23:47 16   Q.   What about 2008, in that time period? Who

11:23:52 17   do you recall being Rimini's substantial competitors

11:23:55 18   in the third party support market in 2008?

11:23:58 19   A.   CedarCrestone would have been a

11:24:01 20   substantial competitor, other than Oracle, for

11:24:05 21   Oracle products. Spinnaker entered the market and

11:24:08 22   was clearly the leader in JDEdwards support, and so

11:24:12 23   we had tough competition with them.

11:24:14 24   And I think those were really our two

11:24:18 25   primary competitors outside of the vendor at that

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11:24:21   1   time.

11:24:23   2   Let me add one part to that. And for

11:24:26   3   Siebel our largest competitor was actually

11:24:30   4   self-support, which of course many customers choose

11:24:33   5   to self-support on all of those platforms.

11:24:36   6   Q.   Has that been true ever since you began

11:24:39   7   Rimini Street -- began servicing customers through

11:24:42   8   Rimini Street in early 2006?

11:24:44   9   A.   Yes.

11:24:45   10   Q.   And when I say "that true," that customers

11:24:47   11   were using self-support as an option, and you were

11:24:51   12   having to compete against that?

11:24:53   13   A.   Yes.

TEXT REMOVED - NOT RELEVANT TO MOTION

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TEXT REMOVED - NOT RELEVANT TO MOTION

12:02:28	14	You testified in May of 2009 that there
12:02:30	15	were about 81 customers that you could count that
12:02:35	16	were former TomorrowNow customers that were
12:02:39	17	currently then, in May of '09, at Rimini Street. Do
12:02:43	18	you recall that?
12:02:43	19	A. Yes.
12:02:44	20	MR. HOWARD: Objection. Beyond the scope.
12:02:45	21	THE WITNESS: Yes, I recall.
12:02:46	22	MR. COWAN: Q. And the only question I
12:02:48	23	have is, has that number increased since then?
12:02:51	24	MR. HOWARD: Objection. Beyond the scope.
12:02:54	25	THE WITNESS: I am sorry. Could you be

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12:02:54	1	more specific about the question?
12:02:57	2	MR. COWAN: Q. Yes. The question related
12:02:58	3	to Exhibit 1327 in May of '09, which you have in
12:03:03	4	front of you, was how many of the customers on
12:03:06	5	Exhibit 1327 were former TomorrowNow customers at
12:03:10	6	some point?
12:03:11	7	And my understanding is you provided an
12:03:14	8	approximate count of about 81, I think, back in May
12:03:18	9	of '09.
12:03:19	10	All I am asking now -- and you can count
12:03:22	11	them if you want. But do you have any understanding
12:03:24	12	whether you now have more than 81 customers at
12:03:27	13	Rimini Street that were former TomorrowNow
12:03:31	14	customers, or less?
12:03:32	15	MR. HOWARD: Objection. Beyond the scope.
12:03:35	16	THE WITNESS: I think there could be a few
12:03:38	17	that have -- that we added since that time that were
12:03:42	18	former TomorrowNow customers, and I think a few of
12:03:44	19	them have left.
12:03:46	20	MR. COWAN: Q. So is it -- as we sit here
12:03:48	21	in July of 2010, is the number still around 80?
12:03:56	22	MR. HOWARD: Objection. Beyond the scope.
12:03:57	23	THE WITNESS: I would estimate that it's
12:03:59	24	probably, given the number that have left and adding
12:04:02	25	a few, probably stayed somewhere in that range.

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12:04:31   1   MR. COWAN: I may be done. Let me look at

12:04:33   2   my notes real quick.

12:04:50   3   Q.   Of any of the customers that left Rimini

12:04:53   4   Street since May of 2009 that you identified were

12:05:02   5   former TomorrowNow customers, had any of them gone

12:05:04   6   back to Oracle, to your knowledge?

12:05:06   7   MR. HOWARD: Objection. Beyond the scope.

12:05:07   8   MR. COWAN: Q. I am not asking for

12:05:09   9   specific customers. I am just asking for a yes or

12:05:11   10   no.

12:05:12   11   MR. HOWARD: Same objection.

12:05:17   12   THE WITNESS: Are you referring to back to

12:05:19   13   Oracle for support services?

12:05:22   14   MR. COWAN: Q. Correct.

12:05:23   15   A.   I believe that's a possibility, that there

12:05:25   16   may be a few.

12:05:26   17   Q.   Have you had any customers over any point

12:05:28   18   in time that have left Rimini Street and gone back

12:05:30   19   to Oracle for maintenance?

12:05:32   20   MR. HOWARD: Objection. Beyond the scope.

12:05:33   21   THE WITNESS: Yes.

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