

EXHIBIT H

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

PAUL K. MEYER

VOLUME 3; PAGES 648 - 937

FRIDAY, MAY 14, 2010

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

REPORTED BY: HOLLY THUMAN, CSR No. 6834, RMR, CRR

(1-427378)

TEXT REMOVED - NOT RELEVANT TO MOTION

14:43:26 11 Q. Mr. Meyer, I want to talk to you about the
14:43:29 12 expert report of Mr. Brian Sommer. Do you have
14:43:32 13 that report in mind?
14:43:34 14 A. Not particularly. You can provide me a
14:43:36 15 copy if you want to.
14:43:41 16 Q. You don't have one with you?
14:43:43 17 MS. HOUSE: No.
14:43:47 18 MR. McDONELL: Q. Have you read the
14:43:48 19 report, and are you prepared to respond to it?
14:43:52 20 MS. HOUSE: Asked and answered.
14:43:52 21 THE WITNESS: No. I've already responded
14:43:53 22 to that.

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15:01:30 12 MR. McDONELL: Q. Mr. Meyer, I'm showing
15:01:32 13 you a document --
15:01:33 14 A. Excuse me, could I -- one thing, and I
15:01:35 15 think this happened earlier in the deposition, but
15:01:37 16 when you asked about Mr. Sommer, I said the
15:01:39 17 comments I had about his work were through the work
15:01:42 18 that Mr. Clarke had done.
15:01:43 19 So in Mr. Clarke's report, when he refers
15:01:46 20 to Mr. Sommer, I have notes in the copy I made for
15:01:50 21 you of Mr. Clarke. So I want you to remember I
15:01:53 22 said that earlier. So I have comments about Mr.
15:01:55 23 Sommer, but only through the workings of
15:01:58 24 Mr. Clarke. So I wanted to be clear about that
15:02:00 25 like I was a day or so ago.

15:02:03 1 If that impacts your question, I want you
15:02:05 2 to have that information.

15:02:06 3 Q. Are you able to tell me to what extent you
15:02:08 4 respond to Mr. Sommer to the extent Mr. Clarke
15:02:10 5 relied on him?

15:02:11 6 MS. HOUSE: Objection. Vague.

15:02:12 7 THE WITNESS: If we walk through
15:02:13 8 Mr. Clarke's report which I provided to you a
15:02:15 9 couple days ago, as I've looked at Mr. Clarke's
15:02:19 10 points, I've made some points myself, some
15:02:22 11 notations. To the extent Mr. Sommer's notations
15:02:25 12 come into Mr. Clarke's report and he's relying upon
15:02:29 13 those, there may be things that are of interest to
15:02:31 14 you there. I just don't that know what you're
15:02:33 15 interested in. I wanted to point it out to be
15:02:36 16 complete.

15:02:36 17 MR. McDONELL: Q. So your responses are
15:02:39 18 identified on the notes of the copy of Mr. Clarke's
15:02:41 19 report that you gave to us?

15:02:42 20 A. Well, not all the responses. But I know
15:02:44 21 that Mr. Clarke relies upon Mr. Sommer for certain
15:02:48 22 inputs. So I can see a situation where Mr. Clarke
15:02:50 23 is making a point, he's taken it from Mr. Sommer,
15:02:52 24 and I've made a point about that. And I don't want
15:02:55 25 you not to know that's what I've done, because

15:02:57 1 that's what I have done. So if that's of interest
15:03:00 2 to you, I wanted to provide that information to
15:03:01 3 you.

15:03:06 4 Q. Except to the extent that Mr. Clarke has
15:03:08 5 relied on Mr. Sommer's information in Mr. Clarke's
15:03:13 6 report, do you have other responses to Mr. Sommer's
15:03:17 7 report?

15:03:17 8 A. Not at this point in time.

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MR. McDONELL: Q. Have you read

15:33:47 1 Mr. Sommer's opinions about what that impact might
15:33:50 2 be?

15:33:51 3 MS. HOUSE: I believe he's asked and
15:33:51 4 answered that.

15:33:52 5 THE WITNESS: To the extent Mr. Clarke
15:33:53 6 relies on Mr. Sommer, there will be some comments
15:33:56 7 in that in what I provide you had to you a couple
15:33:59 8 days ago, that would be my notes on Mr. Clarke at
15:34:01 9 this point in time.

15:34:02 10 MR. McDONELL: Q. As you sit here today,
15:34:02 11 do you have any recollection of having any opinions
15:34:04 12 about Mr. Sommer's comments on total cost of
15:34:07 13 ownership?

15:34:07 14 MS. HOUSE: Objection. Calls for a
15:34:09 15 narrative, overbroad.

15:34:10 16 THE WITNESS: At a general level, no, we'd
15:34:12 17 have to go to my notations on Mr. Clarke's work to
15:34:15 18 work through the comments on Mr. Sommer.

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17:58:38	13	MR. McDONELL: That's all I have for now.
17:58:39	14	I just want to put on the record that we do object
17:58:43	15	that Mr. Meyer did not come prepared and having
17:58:48	16	thoroughly read the Brian Sommer report, as he
17:58:54	17	testified. And as a result, we reserve all rights
17:58:59	18	to move to exclude any responsive opinions he might
17:59:02	19	choose to offer later about that report.

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17:59:24 1 Thank you, Counsel.

17:59:26 2 THE VIDEO OPERATOR: This marks the end of

17:59:26 3 Videotape No. 4, Volume 3, in the deposition of

17:59:31 4 Paul Meyer. The time now is 5:59, and we are off

17:59:38 5 the record.

18:00:02 6 (Time noted, 5:59 p.m)

18:02:11 7 --o0o--

18:02:11 8 I declare under penalty of perjury that

18:02:11 9 the foregoing is true and correct. Subscribed at

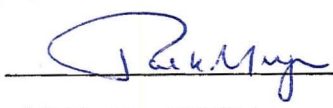
18:02:11 10 San Francisco, California, this 17 day of

18:02:11 11 June, 2010.

18:02:11 12 Subject to the attached errata

18:02:11 13

18:02:11 14


PAUL K. MEYER

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CERTIFICATE OF REPORTER

I, HOLLY THUMAN, 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 state, and that the testimony of said witness was thereafter reduced to typewriting, by computer, under my direction and supervision;

That before completion of the deposition review of the transcript [X] 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 this cause, and that I am not related to any of the parties thereto.

DATED: May 26, 2010
Holly Thuman
HOLLY THUMAN, CSR