

EXHIBIT V

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
ELIZABETH ANN SHIPPY

THURSDAY, MARCH 5, 2009

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

REPORTED BY: HOLLY THUMAN, CSR No. 6834, RMR, CRR
(1-416868)

10:16:06 1

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10:16:19 3 Q. You took over the "At Risk" report at the
10:16:21 4 end of 2005.

10:16:24 5 A. Approximately.

10:16:33 6 Q. And can you describe -- or how would you
10:16:38 7 describe the "At Risk" report?

10:16:41 8 A. The "At Risk" report was a tracking
10:16:44 9 mechanism to allow management to see the customers
10:16:49 10 who were considering going to TomorrowNow or other
10:16:54 11 third-party vendors.

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10:25:48 19 Q. So you testified earlier that one of your

10:25:50 20 responsibilities was receiving information from

10:25:54 21 sales reps to input into the "At Risk" report.

10:25:58 22 A. Yes.

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10:28:01 1

10:28:03 2 When you would receive reports from sales
10:28:05 3 reps with information to input into the "At Risk"
10:28:10 4 report, did you read each of those communications
10:28:14 5 from sales reps?

10:28:16 6 A. Yes.

10:28:23 7 Q. Were you tasked with reporting to anybody
10:28:25 8 the information that you were receiving from the
10:28:28 9 sales reps?

10:28:30 10 A. I would put that information in the report
10:28:32 11 which would then get sent to management.

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11:36:06 11 Q. So I take that to mean that some customers
11:36:10 12 were lost, but the "At Risk" report, at least, did
11:36:14 13 not reflect where those customers went?

11:36:18 14 A. Correct. So once again, let me clarify
11:36:21 15 that this report was as good as the information that
11:36:24 16 we received from the rep, which then received the
11:36:28 17 information directly from the customer. And in some
11:36:30 18 cases, the customer was not willing to share with us
11:36:33 19 who they were going with.

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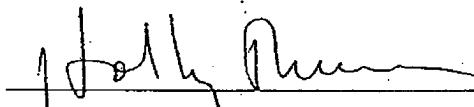
CERTIFICATE OF REPORTER

1
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 the
5 truth, the whole truth, and nothing but the truth in the
6 within-entitled cause; that said deposition was taken
7 down in shorthand by me, a disinterested person, at the
8 time and place therein stated, and that the testimony of
9 the said witness was thereafter reduced to typewriting,
10 by computer, under my direction and supervision;

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

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

21
22 DATED march 11th, 2009

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HOLLY THUMAN, CSR No. 6834