

EXHIBIT Y

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 RICHARD CUMMINS

APRIL 21, 2009

VOLUME I

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HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

REPORTED BY: SARAH LUCIA BRANN, CSR 3887 (#417985)

16:19:00 1

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16:19:37 18 Q. But you were tracking all North America

16:19:40 19 at-risk customers.

16:19:42 20 A. Beth was, yes, that's correct.

16:19:43 21 Q. Well, Beth reported to you. It was your

16:19:45 22 idea to track it.

16:19:46 23 A. Sure.

16:19:47 24 Q. And she was doing it at your request.

16:19:50 25 A. Yes.

1 CERTIFICATE OF REPORTER

2 I, SARAH LUCIA BRANN, 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;

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

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

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

22 DATED:

May 4, 2009

23
24 Sarah Lucia Brann

25 SARAH LUCIA BRANN, CSR No. 3887