

EXHIBIT F

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.)	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.)	
)	

DEPOSITION OF

ARLEN R. SHENKMAN

WEDNESDAY, JUNE 4, 2008

VOLUME 1; PAGES 1 - 320

HIGHLY CONFIDENTIAL

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

(1-409543)

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Question: So the Executive Board of

10:13:16 1 SAP AG learned how TomorrowNow gets access to
10:13:20 2 PeopleSoft software prior to approving the
10:13:23 3 closing of the deal?)

10:14:17 4 THE WITNESS: Prior to closing the deal?

10:14:20 5 Yes.

10:14:22 6 MR. PICKETT: Q. Mr. Zepecki goes on to
10:14:25 7 state: But it's very likely that TomorrowNow is
10:14:28 8 using the software outside the contractual use
10:14:31 9 rights granted to them, and these use rights could
10:14:34 10 be terminated by Oracle.

10:14:36 11 Did SAP determine whether or not SAP --
10:14:40 12 sorry, let me rephrase that.

10:14:41 13 Did SAP determine in connection with the
10:14:44 14 acquisition whether TomorrowNow was using software
10:14:48 15 outside the contractual use rights?

10:14:51 16 MR. McDONELL: I instruct you not to
10:14:52 17 disclose privileged information.

10:14:55 18 THE WITNESS: Again, it would have been
10:14:55 19 discussion with legal counsel.

10:14:57 20 MR. PICKETT: Q. Between the Executive
10:14:58 21 Board and legal counsel?

10:15:00 22 A. Yes.

10:15:02 23

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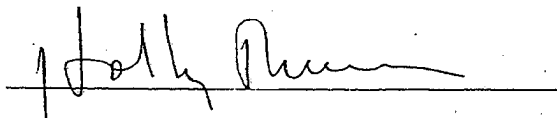
CERTIFICATE OF REPORTER

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

That before completion of the deposition, review of the transcript 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 June 9, 2008.



HOLLY THUMAN, CSR No. 6834