

# EXHIBIT G

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

-----X  
ORACLE CORPORATION, a Delaware :  
corporation; ORACLE USA, INC., :  
a Colorado corporation; and :  
ORACLE INTERNATIONAL :  
CORPORATION, a California :  
corporation, :  
:  
Plaintiffs, No. 07-CV-1658 :  
:  
vs. (PJH) (EDL) :  
:  
SAP AG, a German corporation; :  
SAP AMERICA INC., a Delaware :  
corporation; TOMORROWNOW, INC., :  
a Texas corporation; and DOES :  
1-50, inclusive, :  
:  
Defendants. :  
-----X

September 26, 2008  
9:07 a.m.

HIGHLY CONFIDENTIAL  
VOLUME 2

Videotaped Deposition of HENNING  
KAGERMANN, held at the offices of BINGHAM  
MCCUTCHEN LLP, 399 Park Avenue, New York, New  
York, before Frank J. Bas, a Registered  
Professional Reporter and Notary Public of the  
State of New York.

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Q. Did SAP seek legal advice on the issue of whether TomorrowNow's access to PeopleSoft software was legal?

MR. LANIER: Mr. Kagermann, I instruct you not to answer that question. The basis of the instruction is the attorney-client privilege and the doctrine

1 HIGHLY CONFIDENTIAL - H. KAGERMANN

10:10:04 2 of work product immunity.

10:10:07 3 ---

10:10:07 4 (Direction Not To Answer)

10:10:08 5 ---

10:10:08 6 A. I follow my attorney's instructions.

10:10:13 7 Q. Did SAP seek legal advice, prior to

10:10:16 8 buying TomorrowNow, on the issue of whether

10:10:21 9 TomorrowNow's packaging of software updates was

10:10:25 10 legal?

10:10:41 11 MR. LANIER: I make the same

10:10:42 12 objection on the same basis.

10:10:43 13 Mr. Kagermann, I instruct you not to

10:10:45 14 answer that question.

10:10:50 15 ---

10:10:50 16 (Direction Not To Answer)

10:10:51 17 ---

10:10:51 18 A. I will not answer the question then.

10:10:53 19 Q. Did SAP seek legal advice on the

10:10:56 20 issue of whether TomorrowNow's access to

10:10:58 21 PeopleSoft software was legal prior to the

10:11:01 22 decision to purchase TomorrowNow?

10:11:18 23 MR. LANIER: I make the same

10:11:19 24 objection on the same basis.

10:11:20 25 Mr. Kagermann, I instruct you not to

1 HIGHLY CONFIDENTIAL - H. KAGERMANN

10:11:22 2 answer that question.

10:11:23 3 ---

10:11:23 4 (Direction Not To Answer)

10:11:24 5 ---

10:11:24 6 A. Then I won't answer the question.

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## C E R T I F I C A T E

STATE OF NEW YORK )

: SS.

COUNTY OF NEW YORK )

I, FRANK J. BAS, a Notary Public  
within and for the State of New York, do  
hereby certify:

That HENNING KAGERMANN, the witness  
whose deposition is hereinbefore set forth,  
was duly sworn by me and that such  
deposition is a true record of the  
testimony given by the witness.

I further certify that I am not  
related to any of the parties to this  
action by blood or marriage, and that I am  
in no way interested in the outcome of this  
matter.

IN WITNESS WHEREOF, I have hereunto  
set my hand this 30 day of September,  
2008.

*Frank J. Bas*  
FRANK J. BAS, RPR