

# 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  
SHAI AGASSI

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MONDAY, JANUARY 5, 2009

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

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

(1-415445)

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Q. Mr. Word's email to you, about two-thirds of the way down, he states in the first paragraph: I also told him to get a good understanding of how they've licensed their PeopleSoft software so we don't get surprised.

Is that a topic that was of interest to you?

A. It was a -- it was one of the topics that we had on our list, yes.

Q. Why was it of interest?

A. We wanted to make sure that what they do is legal.

Q. And as far as you're concerned, you took every step that was necessary to make that determination?

A. Yes.

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15:16:08 17 Do you recall what happened at the meeting?

15:16:09 18 How was it presented?

15:16:12 19 A. The case was presented, opinions were

15:16:14 20 given, a vote was taken, Gerd and Leo were -- were

15:16:22 21 put in charge post-acquisition, and Gerd thanked me

15:16:29 22 for bringing this to the board's attention, and that

15:16:33 23 was it.

15:16:34 24 Q. Who made the presentation?

15:16:35 25 A. I don't recall.

15:16:36 1 Q. Did you speak?

15:16:39 2 A. I don't recall. I -- I must have had an  
15:16:43 3 opinion. I'm not sure.

15:16:45 4 Q. Did anyone voice opposition to the idea?

15:16:48 5 A. Not materially beyond asking for opinion.

15:16:53 6 Q. Did anyone point out concerns that hadn't  
15:16:56 7 been raised in the business case?

15:16:58 8 A. No. The only concerning that was brought  
15:17:00 9 up was legal.

15:17:05 10 MR. COWAN: I would stop there. If -- on  
15:17:08 11 the basis of the attorney-client privilege.

15:17:12 12 Mr. Agassi, if you can answer his question  
15:17:14 13 without revealing legal advice sought from or  
15:17:17 14 obtained from legal counsel or business discussions  
15:17:20 15 regarding that advice, you may do so. Otherwise, do  
15:17:23 16 not disclose any attorney-client privileged  
15:17:25 17 information.

15:17:26 18 THE WITNESS: The only concern was legal,  
15:17:27 19 and I'm bound to stop there.

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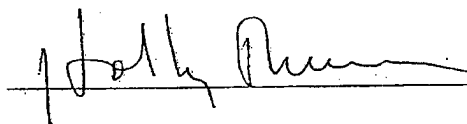
CERTIFICATE OF REPORTER

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 January 8, 2009.



HOLLY THUMAN, CSR No. 6834