

EXHIBIT C

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.) CASE NO. 07-CV-01658 (MJJ)
)
SAP AG, a German corporation,)
SAP AMERICA, INC., a Delaware)
corporation, TOMORROWNOW,)
INC., a Texas corporation, and)
DOES 1-50, inclusive,)
Defendants.)

"HIGHLY CONFIDENTIAL"

ORAL VIDEOTAPED DEPOSITION

THOMAS BAMBERGER

JANUARY 29, 2009

ORAL VIDEOTAPED DEPOSITION OF THOMAS BAMBERGER, produced as a witness at the instance of the Plaintiffs and duly sworn, was taken in the above-styled and numbered cause on the 29th day of January, 2009, from 8:44 a.m. to 1:27 p.m., before Dana Richardson, Certified Shorthand Reporter in and for the State of Texas, reported by computerized stenotype machine at the offices of Jones Day, 717 Texas Avenue, Suite 3300, Houston, Texas 77002, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record or attached hereto.

Job No. 1603-89981

THOMAS BAMBERGER January 29, 2009
HIGHLY CONFIDENTIAL

Page 94		Page 96	
11:29:19		11:32:19	1 Q. When you received this e-mail and read that
11:29:28		11:32:21	2 paragraph, do you recall if you agreed with Mr. van Wissen's
11:29:33		11:32:25	3 characterization?
11:29:36		11:32:27	4 A. I don't recall this.
11:29:42		11:32:28	5 Q. Do you agree with Mr. van Wissen that the acquisition
11:29:46		11:32:32	6 was strategic?
11:29:53		11:32:36	7 A. That's possible.
11:29:55		11:32:38	8 Q. Do you agree?
11:30:00		11:32:38	9 A. Yes.
11:30:01		11:32:39	
11:30:03		11:32:39	
11:30:07		11:32:45	
11:30:12		11:32:50	
11:30:14		11:32:58	
11:30:16		11:33:01	
11:30:20		11:33:03	
11:30:21		11:33:06	
11:30:22		11:33:11	
11:30:25		11:33:13	
11:30:27		11:33:20	
11:30:31		11:33:24	
11:30:36		11:33:26	
11:30:43		11:33:29	
11:30:47		11:33:34	
11:30:51		11:33:35	
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11:30:54		11:33:37	
11:30:54		11:33:38	
11:30:56		11:33:39	
11:31:06		11:33:41	
11:31:06		11:33:41	
11:31:09		11:33:43	
11:31:13		11:33:45	
11:31:14		11:33:48	
11:31:17		11:33:50	
11:31:21		11:33:54	
11:31:25		11:33:57	
11:31:29		11:34:00	
11:31:30		11:34:08	
11:31:34		11:34:10	
11:31:35		11:34:14	
11:31:38		11:34:16	
11:31:42		11:34:19	
11:31:45		11:34:20	
11:31:49		11:34:27	
11:31:51		11:34:29	
11:31:58	21 Q. Can you read the sentence that begins "Since up to"?	11:34:31	
11:32:01	22 A. "Since up to this point it has always been confirmed	11:34:32	
11:32:05	23 to Andrew by SAP AG that the acquisition is strategic, and	11:34:32	
11:32:09	24 that something should be built for the future, then the SAP	11:34:34	
11:32:15	25 should also be ready to enable this financially."	11:34:39	

1 STATE OF TEXAS

2 COUNTY OF HARRIS

3 REPORTER'S CERTIFICATE

4 I, Dana Richardson, a Certified Shorthand Reporter in and
5 for the State of Texas, do certify that this deposition
6 transcript is a true record of the testimony given by the
7 witness named herein, after said witness was duly sworn by me.
8 The witness was requested to review the deposition.

9 I further certify that I am neither attorney or counsel
10 for, related to, nor employed by any parties to the action in
11 which this testimony is taken and, further, that I am not a
12 relative or employee of any counsel employed by the parties
13 hereto or financially interested in the action.

14 I further certify that the amount of time used by each
15 party at the deposition is as follows:

16 Ms. Bree Hann - 03:25

17 Mr. Scott Cowan - 00:00

18 SUBSCRIBED AND SWORN TO under my hand and seal of office
19 on this the 3rd day of February
20 2009.

21 Dana Richardson

22 Dana Richardson, CSR
23 Texas CSR 5386
24 Expiration: 12/31/09
25 Merrill Legal Solutions, Firm No. 210
315 Capitol, Suite 100
Houston, Texas 77002
Phone (713) 426-0400
Fax (713) 426-0600