EXHIBIT G

ANDREW NELSON February 26, 2009 HIGHLY CONFIDENTIAL

IN THE UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA

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SAN FRANCISCO DIVISION

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.

HIGHLY CONFIDENTIAL

VIDEOTAPED DEPOSITION OF ANDREW NELSON

FEBRUARY 26, 2009

VOLUME I

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REPORTED BY: SARAH LUCIA BRANN, CSR 3887 (#416642)

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13:17:57	•	13:20:02		
13:17:59		13:20:04		
13:18:02		13:20:07		
13:18:04		13:20:38	13	Q. Were there certain business functions post
13:18:05		13:20:40	14	acquisition that SAP assumed control over that had
13:18:08		13:20:47	15	previously been managed entirely by TomorrowNow?
13:18:09	•	13:20:49	16	A. Yes.
13:18:10		13:20:50	17	Q. What were those?
13:18:13		13:20:58	18	A. Again, it was a dynamic company, and that
13:18:14		13:21:01	19	would have been a constantly changing set of things.
13:18:17		13:21:05	20	But the most customary thing that they
13:18:18		13:21:12	21	took responsibility over was a lot of the
3:18:19		13:21:14	. 22	operational matters. And by that I mean the payroll
		13:21:26	23	function eventually transitioned from the way we
13:18:22		43.21.20	23	function eventually transitioned from the way we
13:18:22 13:18:24		13:21:28	24	used to do it to someone at SAP doing that for us in

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	· · · · · · · · · · · · · · · · · · ·	Dogo 120			140
		Page 138		Page	140
13:21:36	1	It's hard I want to make sure I am	13:25:05		
13:21:39	2	clear when I answer these types of questions, but	13:25:09		
13:21:41	3	it's a little bit difficult because we didn't, over	13:25:12		
13:21:45	4	the course of this lifetime, just work with one SAP	13:25:14		
13:21:50	5	entity on these things. But generally speaking, we	13:25:16		
13:21:53	6	transitioned a lot of operational activities in the	13:25:19		
13:21:55	7	HR finance type area to SAP.	13:25:22		
13:22:04	8	Q. Did SAP have approval rights over	13:25:25		
13:22:11	9	TomorrowNow budgets after the acquisition?	13:25:28		;
13:22:15	10	MR. FUCHS: Objection. Form.	13:25:31		
13:22:21	11	THE WITNESS: When you say SAP, do you	13:25:34		
13:22:22	12	mean just somewhere, at one of the SAP businesses?	13:25:36		
13:22:25	13	Sure. I mean, generally speaking we did not I no	13:25:41		
13:22:29	14	longer owned the company. TomorrowNow did not have	13:25:41		
13:22:33	15	control of its budget. That was managed through the	13:25:47		
13:22:36	16	SAP family of companies.	13:25:49		
13:22:41	17	MR. HOWARD: Q. And who was it that you	13:25:50		
13:22:42	18	were dealing with most often to get budget approvals	13:26:01		
13:22:48	19	on the SAP side?	13:26:08		
13:22:56	20	A. I'm not sure that I can very easily answer	13:26:08		
13:22:59	21	that question. During what time frame, and where?	13:26:13		
13:23:08	22	Q. Let's start with right after the	13:26:14		
13:23:09	23	acquisition. You generate a first budget after the	13:26:19		
13:23:14	24	acquisition; right? That's is that true?	13:26:23		
13:23:23	25	A. Well, when we did the transaction we sold	13:26:30		
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13:23:29	1	the company to SAP America. But I had also had	13:26:35		
13:23:34	2	interactions with people who were from SAP AG. So	13:26:39		
13:23:38	3	legally it was, you know, the purchase was through	13:26:43		
13:23:40	4	SAP America. And there was budgetary funding that	13:26:48		
13:23:45	5	necessarily was coming through that entity.	13:26:52		
13:23:48	6	But initial the first budget	13:26:55		
13:23:52	7	conversation, whether it was head count or, you	13:26:59		
13:23:55	8	know, just generically budget type conversations,	13:27:02		
13:23:58	9	came through conversations with people at SAP AG.	13:27:04		
13:24:02	10	How the actual budget got approved, where the money	13:27:07		
13:24:07	11	came from, was not always clear to me.	13:27:12		
13:24:11			13:27:18		
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CERTIFICATE OF REPORTER

I, SARAH LUCIA BRANN, 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 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 [X] 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: March 2, 2009

Sarah Ancia Bram

SARAH LUCIA BRANN, CSR No. 3887

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