

# EXHIBIT H

**In The Matter Of:**

*Oracle*

*v.*

*SAP*

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**BRIAN S. SOMMER - Vol. 1**

*June 25, 2010*

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***HIGHLY CONFIDENTIAL  
ATTORNEYS' EYES ONLY***

**MERRILL CORPORATION**

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14:48:50		14:51:17	
14:48:52		14:51:19	
14:48:57		14:51:22	
14:49:01		14:51:25	
14:49:04		14:51:26	
14:49:07		14:51:28	
14:49:09		14:51:31	
14:49:11		14:51:34	
14:49:14		14:51:34	
14:49:15		14:51:36	
14:49:17		14:51:37	
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14:50:00		14:52:12	
14:50:09		14:52:15	
14:50:10		14:52:19	
14:50:13		14:52:22	
14:50:16		14:52:24	
14:50:17		14:52:25	9 MS. HOUSE: Q. And so whether they looked
14:50:18		14:52:26	10 around and they found -- certainly looking around
14:50:21		14:52:29	11 doesn't mean that you're going to switch to another
14:50:22		14:52:31	12 vendor. Right?
14:50:26		14:52:32	13 A. That's correct.
14:50:35		14:52:33	14 MR. McDONELL: Object to the form.
14:50:36		14:52:40	15 MS. HOUSE: Q. Would you also agree that
14:50:47		14:52:41	16 customers can and do evaluate other options as a
14:50:49		14:52:45	17 means of providing leverage against their existing
14:50:51		14:52:48	18 provider, sort of a negotiation tool?
14:50:54		14:52:54	19 MR. McDONELL: Object to the form.
14:50:56		14:52:55	20 THE WITNESS: I will agree that some
14:51:03		14:52:56	21 customers will do that.
14:51:05		14:52:57	22 MS. HOUSE: Q. And they can do that with
14:51:08		14:52:58	23 no intention of ever actually switching. Right?
14:51:11		14:53:00	24 MR. McDONELL: Object to the form.
14:51:14		14:53:01	25 THE WITNESS: Yes, they can do that, too.

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18:15:57	18:17:54		
18:16:00	18:17:56		
18:16:00	18:18:03		
18:16:02	18:18:06		
18:16:05	18:18:09		
18:16:07	18:18:10		
18:16:08	18:18:14		
18:16:10	18:18:19		
18:16:11	18:18:21		
18:16:14	18:18:22		
18:16:17	18:18:25		
18:16:22	18:18:26		
18:16:24	18:18:26		
18:16:25	18:18:27		
18:16:27	18:18:28		
18:16:29	18:18:31		
18:16:30	18:18:34		
18:16:31	18:18:36		
18:16:32	18:18:40		
18:16:33	18:18:45	20	MS. HOUSE: Q. You'd agree that being
18:16:33	18:18:46	21	potentially able to do self-support doesn't equate
18:16:35	18:18:49	22	with deciding to actually do self-support.
18:16:36	18:18:52	23	Correct?
18:16:40	18:18:52	24	MR. McDONELL: Argumentative, object to
18:16:42	18:18:55	25	the form.
Page 327		Page 329	
18:16:45	18:18:56	1	THE WITNESS: I would agree that just
18:16:47	18:18:57	2	because one has the capability of doing it, it
18:16:49	18:19:00	3	doesn't necessarily mean that they're going to do
18:16:53	18:19:03	4	it.
18:16:55	18:19:03		
18:16:56	18:19:04		
18:17:00	18:19:07		
18:17:03	18:19:10		
18:17:04	18:19:12		
18:17:05	18:19:18		
18:17:18	18:19:19		
18:17:19	18:19:21		
18:17:23	18:19:26		
18:17:29	18:19:28		
18:17:31	18:19:30		
18:17:35	18:19:31		
18:17:36	18:19:33		
18:17:40	18:19:36		
18:17:45	18:19:38		
18:17:45	18:19:39		
18:17:46	18:19:40		
18:17:47	18:19:41		
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18:17:51	18:19:48		
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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 state, and that the testimony of 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: July 1st, 2010  
Holly Thuman  
HOLLY THUMAN, CSR