

# EXHIBIT 2

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

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

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September 26, 2008  
9:07 a.m.

HIGHLY CONFIDENTIAL  
VOLUME 2

Videotaped Deposition of HENNING  
KAGERMANN, held at the offices of BINGHAM  
McCUTCHEEN 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.

TEXT REMOVED - NOT RELEVANT TO MOTION

13:59:17 5 Q. By the directive -- when you say you  
13:59:20 6 assume that you "gave the directive at the  
13:59:22 7 time," what do you mean by that?

13:59:28 8 A. What I mean is that what I did  
13:59:40 9 personally is that I took part in making that  
13:59:46 10 decision.

13:59:46 11 Q. Prior to the acquisition of  
13:59:48 12 TomorrowNow, you mean?

13:59:50 13 A. It's also possible that it was again  
14:00:25 14 after the -- the acquisition.

14:00:29 15 Q. All right. Before or after, you  
14:00:34 16 participated in the decision to issue a  
14:00:37 17 directive that the local copies of the  
14:00:40 18 PeopleSoft and JD Edwards software should be  
14:00:43 19 removed from the TomorrowNow systems; is that  
14:00:46 20 right?

14:01:08 21 A. Yes.

14:01:08 22 Q. And would you agree that that  
14:01:17 23 directive that you participated in deciding to  
14:01:20 24 issue was either before the TomorrowNow  
14:01:26 25 acquisition or very soon thereafter?

1 HIGHLY CONFIDENTIAL - H. KAGERMANN

14:01:53 2 A. I think so.

14:01:54 3 Q. So you had a plan to remove the

14:01:58 4 PeopleSoft and JD Edwards software copies from

14:02:02 5 TomorrowNow's systems, and then you issued a

14:02:04 6 directive to implement that plan, is that right?

14:02:24 7 A. I think so, yes.

TEXT REMOVED - NOT RELEVANT TO MOTION

1 HIGHLY CONFIDENTIAL - H. KAGERMANN

17:22:59 2

Mr. Kagermann.

17:22:59 3

MR. LANIER: We're done.

17:23:00 4

THE WITNESS (in English): Thank

17:23:01 5

you.

17:23:01 6

THE VIDEO OPERATOR: This concludes

17:23:02 7

the videotaped deposition at 5:24 and marks

17:23:05 8

the end of Tape Number 8.

17:23:46 9

(Time Noted: 5:24 p.m.)

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HENNING KAGERMANN

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Subscribed and sworn to before me

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this \_\_\_\_ day of \_\_\_\_\_, 2008.

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17:24:00 17

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C E R T I F I C A T E

3

STATE OF NEW YORK )

4

: SS.

5

COUNTY OF NEW YORK )

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

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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.

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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.

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

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