EXHIBIT V

Page 150

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Case No. 07-CV-01658 (MJJ)

ORACLE CORPORATION, a Delaware corporation, ORACLE
USA, INC., a Colorado corporation, and ORACLE
INTERNATIONAL CORPORATION, \a California corporation,

Plaintiffs,

v.

SAP AG, a German corporation, SAP AMERICA, INC., a
Delaware corporation, TOMORROWNOW, INC., a Texas
corporation, and DOES 1-50, inclusive,

Defendants.

_____

VIDEOTAPE RULE 30(b)(6) DEPOSITION OF:
JOHN M. BAUGH - February 7, 2008 - Volume II
TomorrowNow, Inc.
(Highly Confidential - Attorneys' Eyes Only)

_____

            PURSUANT TO NOTICE, the Videotape Rule
30(b)(6)deposition of JOHN M. BAUGH was continued on
behalf of the Plaintiffs at 1700 Lincoln Street, Suite
4100, Denver, Colorado 80203, on February 7, 2008, at
8:40 a.m., before Sandra L. Bray, Registered Diplomate
Reporter, Certified Realtime Reporter, and Notary Public
within Colorado.

Page 195

10:09:12		
10:09:20		
10:09:28		
10:09:31		
10:09:33		
10:09:37		
10:09:39	7	Q. Let me start over. Are you familiar
10:09:40	8	with a tool that was used at TomorrowNow called Araxis
10:09:46	9	Merge?
10:09:46	10	A. Yes.
10:09:46	11	Q. And what's your understanding of the
10:09:49	12	purpose of which Araxis Merge was used at TomorrowNow?
10:09:54	13	A. To perform file comparisons.
10:09:57	14	Q. In what context was it used to perform
10:10:01	15	file comparisons?
10:10:02	16	A. In the development process.
10:10:03	17	Q. Was that in the retrofit development
10:10:05	18	process that we've been discussing?
10:10:07	19	A. That's when we first started using it,
10:10:10	20	yes.
10:10:10	21	Q. Was it used in any other context other
10:10:12	22	than the retrofit development process?
10:10:15	23	A. I can't be certain of that.
10:10:18	24	Q. Okay. Was the Araxis Merge tool used in
10:10:26	25	any way by you or the environments team?

Page 196

10:10:34	1	A. I have used Araxis Merge before, yes.
10:10:38	2	Q. Have you used it as part of your
10:10:42	3	responsibilities at TomorrowNow?
10:10:42	4	A. Yes.
10:10:42	5	Q. For what purpose have you used the
10:10:45	6	Araxis Merge tool at TomorrowNow?
10:10:47	7	A. To perform file comparisons and
10:10:51	8	directory comparisons.
10:10:53	9	Q. What files did you compare when you used
10:10:58	10	it?
10:11:09	11	A. SQR source code and COBOL source code.
10:11:14	12	Q. And did you do that using one of the
10:11:16	13	local environments that TomorrowNow had in its
10:11:19	14	possession?
10:11:23	15	A. Yes.
10:11:23	16	Q. Could you more specifically explain what
10:11:25	17	you did with the environments and why you did it?
10:11:41	18	A. When I used Araxis Merge, I guess, the
10:11:44	19	first time, I'd been asked to compare two sets of code
10:11:48	20	as part of our extended support retrofit model, and we
10:11:59	21	compared the newer version and the older version to
10:12:04	22	determine what differences there were and what changes
10:12:07	23	needed to be made.
10:12:11	24	Q. What code were you comparing to what
10:12:13	25	other code?

Page 197

10:12:17	1	A. The COBOL SQR source from the previous
10:12:21	2	tax release to the newer source COBOL SQR source.
10:12:30		
10:12:44		
10:12:49		
10:12:53		
10:12:57		
10:13:03		
10:13:03		
10:13:03		
10:13:04		
10:13:05		
10:13:05		
10:13:10		
10:13:13		
10:13:23		
10:13:27		
10:13:29		
10:13:34		
10:13:37		
10:13:39		
10:13:40		
10:13:51		
10:13:53		
10:13:54		

Page 198

10:13:58	
10:14:04	
10:14:07	
10:14:08	
10:14:09	
10:14:13	
10:14:15	
10:14:20	
10:14:27	
10:14:32	
10:14:37	
10:14:42	
10:14:48	
10:14:53	
10:14:58	
10:14:59	
10:15:07	.
10:15:08	
10:15:09	
10:15:13	
10:15:18	
10:15:20	
10:15:23	
10:15:31	
10:15:34	

13 (Pages 195 to 198)

REPORTER'S CERTIFICATE

STATE OF COLORADO   )
)   ss.

CITY AND COUNTY OF DENVER)

       I, SANDRA L. BRAY, Registered Diplomate Reporter, Certified Realtime Reporter, and Notary Public, State of Colorado, do hereby certify that previous to the commencement of the examination, the said JOHN M. BAUGH was duly sworn by me to testify to the truth in relations to the matters in controversy between the parties hereto; that the said deposition was taken in machine shorthand by me at the time and place aforesaid and was thereafter reduced to typewritten form; that the foregoing is a true transcript of the questions asked, testimony given, and proceedings had.

       I further certify that I am not employed by, related to, nor of counsel for any of the parties herein nor otherwise interested in the outcome of this litigation.

       IN WITNESS WHEREOF, I have affixed my signature this <u>12th</u> of <u>February</u>, 2008.

       My commission expires January 16, 2012.

__X__   Reading and Signing was requested.

_____   Reading and Signing was waived.

_____   Reading and Signing is not required.

Sandra L. Bray
Sandra L. Bray, RMR, CRR, RDR
Certified Realtime Reporter