

EXHIBIT NN

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,)
) v.) Case No.)
)) 07-CV-01658 PJH (EDL))
))
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 MR. GERHARD OSWALD

VOLUME II

Thursday, December 11, 2008

AT: 8:28 a.m.

Taken at:

Bingham McCutchen LLP
41 Lothbury

London EC2R 7HF

UNITED KINGDOM

Page 294		Page 296
15:14:52		15:20:30
15:15:10		15:20:30
15:15:14		15:21:02
15:15:19		15:21:04
15:15:38		15:21:08
15:15:42		15:21:41
15:15:47		15:21:47
15:15:48		15:21:52
15:15:49		15:21:54
15:16:05		15:21:59
15:16:06		15:22:03
15:16:08	12 Q. Now, SAP had planned to have TomorrowNow	15:22:08
15:16:12	13 service several other Oracle-owned applications: Hyperion,	15:22:12
15:16:21	14 Retek and E-Business Suite; correct?	15:22:15
15:16:47	15 A. Yes.	15:22:19
15:16:52	16 Q. And those decisions were prompted by Oracle's	15:22:56
15:16:56	17 acquisition of those companies; right?	15:23:04
15:17:08	18 A. Yes.	15:23:09
15:17:09	19 Q. And the only thing that stopped SAP from going	15:23:12
15:17:12	20 forward with those service expansions was the Oracle	15:23:16
15:17:16	21 lawsuit; correct?	15:23:21
15:17:29	22 A. That certainly was one contributing factor,	15:23:24
15:17:32	23 yes.	15:23:27
15:17:33		15:23:51
15:17:37		15:23:53
Page 295		Page 297
15:17:41		15:23:53
15:17:57		15:23:56
15:17:59		15:24:00
15:18:01		15:24:19
15:18:02		15:24:22
15:18:09		15:24:28
15:18:17		15:24:30
15:18:28		15:24:31
15:18:34		15:24:32
15:18:52		15:24:40
15:18:55		15:24:44
15:19:02		15:24:44
15:19:22		15:24:48
15:19:24		15:24:52
15:19:28		15:24:56
15:19:33		15:25:01
15:19:44		15:25:26
15:19:46		15:25:27
15:19:49		15:25:33
15:19:55		15:25:38
15:19:56		15:25:44
15:19:59		15:26:12
15:20:03		15:26:14
15:20:28		15:26:18
15:20:29		15:26:19

CERTIFICATE OF COURT REPORTER

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I, ROSE HELEN CLAIRE KAY, an Accredited LiveNote Reporter with Merrill Legal Solutions (a LegaLink company) of London, England, and Asia, hereby certify that the testimony of the witness GERHARD OSWALD in the foregoing transcript, numbered pages 173 through 307, taken on Thursday, December 11, 2008 was recorded by me in machine shorthand and was thereafter transcribed by me; and that the foregoing transcript is a true and accurate verbatim record of the said testimony.

I further certify that I am not a relative, employee, counsel or financially involved with any of the parties to the within cause, nor am I an employee or relative of any counsel for the parties, nor am I in any way interested in the outcome of the within cause.

Signed: *Claire Kay*

ROSE HELEN CLAIRE KAY

Dated: Thursday, December 11, 2008