

EXHIBIT E

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,)
)
vs.) No. 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.)
)

VIDEOTAPED DEPOSITION OF
SAFRA CATZ

FRIDAY, MARCH 27, 2009

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

REPORTED BY: HOLLY THUMAN, CSR No. 6834, RMR, CRR

(1-416874)

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08:16:32		08:19:02	
08:16:34		08:19:05	2 Q. If you were to go back to your desk and
08:16:40		08:19:09	3 attempt to quantify the harm, what metric would you
08:16:42		08:19:12	4 use?
08:16:45		08:19:14	5 A. I don't I don't know where I would
08:16:47		08:19:15	6 start.
08:16:50		08:19:17	7 Q. Who would you ask to help you with that
08:16:53		08:19:20	8 project, again, putting aside the lawyers?
08:17:01		08:19:22	9 A. The problem is that no one actually knows
08:17:04		08:19:27	10 how badly and widespread it was, because it's not
08:17:06		08:19:33	11 just lost customers. It's even customers that were
08:17:08		08:19:37	12 kept that don't buy as much from us because they're
08:17:11		08:19:42	13 unhappy with us, because they're having they're
08:17:13		08:19:45	14 buying from us at a higher price than they could buy
08:17:15		08:19:49	15 our stuff from SAP. So it would be very hard to
08:17:18		08:19:53	16 quantify.
08:17:22		08:19:56	17 Q. You mentioned "buying our stuff" in that
08:17:26		08:19:58	18 last answer there. What stuff are you talking
08:17:32		08:20:01	19 about?
08:17:35		08:20:01	20 A. Our other products.
08:17:37		08:20:02	21 Q. Meaning what?
08:17:43		08:20:04	22 A. Well, if we had an ERP customer, PeopleSoft
08:17:44		08:20:08	23 ERP customer, or a J.D. Edwards ERP customer,
08:17:45		08:20:13	24 because they all of a sudden felt that we that
08:17:48		08:20:18	25 they could have spent less by buying support from
Page 15		Page 17	
08:17:50		08:20:23	1 TomorrowNow, but they stayed with us for whatever
08:17:58		08:20:28	2 their reasons were, they may still have a bad taste
08:18:04		08:20:31	3 in their mouth and then not want to buy CRM, which
08:18:10		08:20:36	4 is another product, from us. And we wouldn't even
08:18:13		08:20:38	5 know necessarily why they didn't choose us for CRM.
08:18:14		08:20:43	6 They would just still have a -- you know, be annoyed
08:18:17		08:20:47	7 with us.
08:18:20		08:20:51	
08:18:24		08:20:54	
08:18:25		08:20:56	
08:18:27		08:21:02	
08:18:30		08:21:03	
08:18:33		08:21:06	
08:18:36		08:21:11	
08:18:38		08:21:16	
08:18:41		08:21:21	
08:18:42		08:21:26	
08:18:43		08:21:30	
08:18:47		08:21:37	
08:18:50	:	08:21:39	
08:18:51	:	08:21:41	
08:18:53	:	08:21:45	
08:18:54	:	08:21:47	
08:18:58	:	08:21:52	
08:19:01	:	08:21:54	

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08:31:51 08:31:53 08:31:59 08:32:01 08:32:01 08:32:04 08:32:06 08:32:09 08:32:11 08:32:16 08:32:24 08:32:30 08:32:32 08:32:36 08:32:40 08:32:43 08:32:53 08:32:56 08:32:58 08:32:59 08:32:59 08:33:01 08:33:03 08:33:10 08:33:12	08:34:38 08:34:42 08:34:50 3 Q. And did the fact that TomorrowNow was able 08:34:53 4 to win over 300 customers impair in any way the 08:34:58 5 value of the PeopleSoft acquisition to Oracle? 08:35:01 6 A. Yeah. 08:35:02 7 Q. How? 08:35:03 8 A. By it undermines the whole rationale for 08:35:10 9 buying PeopleSoft, which is the customer base, the 08:35:17 10 maintenance base, the upsell opportunity, the 08:35:21 11 incumbency advantage you have when it's an existing 08:35:24 12 customer. It's terrible. 08:35:29 08:35:33 08:35:37 08:35:41 08:35:42 08:35:52 08:35:55 08:35:58 08:36:01 08:36:03 08:36:14 08:36:20 08:36:22
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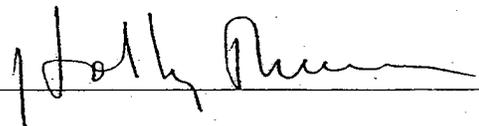
CERTIFICATE OF REPORTER

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 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 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 April 6¹⁵, 2009.



HOLLY THUMAN, CSR No. 6834