

EXHIBIT 22

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO
DIVISION
BEFORE: CHARLES A. LEGGE, JUDGE (Ret.)

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ORACLE CORPORATION, a)
Delaware corporation; ORACLE,)
USA, INC., a Colorado)
corporation, and ORACLE)
INTERNATIONAL CORPORATION, a) No. 07-CV-01658-MJJ
California corporation,)
)
Plaintiffs,)
)
vs.)
)

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

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

DEPOSITION OF MARK KREUTZ

Tuesday, February 19, 2008

Reported by:
GEORGE SCHUMER, CSR 3326 (406438)

TEXT REMOVED - NOT RELEVANT TO MOTION

10:40:25 15 MR. HOWARD: Let me mark as Exhibit 52 a
10:40:37 16 document Bates-numbered TN-OR 419837 titled "Praxair
10:40:47 17 One World."
10:40:48 18 (Document referred to herein marked for
10:41:10 19 identification Exhibit 52)
10:41:10 20 MR. HOWARD: Q. Mr. Kreutz, do you recognize
10:41:12 21 what has been marked as Exhibit 52?
10:41:14 22 A. Yes, I do.
10:41:15 23 Q. What is it, please?
10:41:16 24 A. It is a list of environments used for Praxair
10:41:24 25 support.

10:41:25 1 Q. Were you involved in creating Exhibit 52?

10:41:30 2 A. I did ask that Roberto Porfirio prepare this
10:41:37 3 list.

10:41:37 4 Q. So you asked Mr. Shankle to create the Koontz
10:41:41 5 Wagner environment list, and you asked Mr. Porfirio to
10:41:44 6 create Exhibit 52, the Praxair list?

10:41:48 7 A. Yes.

10:41:48 8 Q. What is it that Exhibit 52 is intended to
10:41:55 9 reflect?

10:41:58 10 A. This reflects the definition of 12
10:42:04 11 environments used in the Praxair support.

10:42:10 12 Q. These 12 environments listed on Exhibit 52 are
10:42:18 13 all local environments that live on TomorrowNow
10:42:23 14 systems?

10:42:23 15 A. I would characterize this as 12 definitions of
10:42:30 16 environments that may have existed or lived on
10:42:36 17 TomorrowNow local domain.

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12:58:59 11 MR. HOWARD: Q. Mr. Kreutz, I have put in
12:59:02 12 front of you what has been marked as Plaintiff Exhibit
12:59:05 13 55. Do you have that?
12:59:07 14 A. Yes.
12:59:07 15 Q. And do you recognize this document?
12:59:10 16 A. I do.
12:59:11 17 Q. What do you recognize it to be?
12:59:14 18 A. This is a list of the Bonnie Bell World
12:59:22 19 environments that we had hosted within the TomorrowNow
12:59:27 20 domain.
12:59:27 21 Q. Are there any Bonnie Bell environments that
12:59:30 22 TomorrowNow hosted within its domain not reflected on
12:59:35 23 Exhibit 55?
12:59:35 24 A. No.

TEXT REMOVED - NOT RELEVANT TO MOTION

18:22:04 1 Videotape 5 in the deposition of Mark Kreutz. The
18:22:07 2 original videotapes will be retained by Merrill Legal
18:22:10 3 Solutions, San Francisco.

18:22:11 4 The time is 6:21.

5 (Deposition conditionally concluded, 6:21 p.m.)

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DECLARATION OF WITNESS

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I declare under penalty of perjury that
the foregoing is true and correct. Subscribed at
10 San Francisco, California, this 19th day
11 of February, 2008.

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Signature of witness

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Signed 3/21/08

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CERTIFICATE OF REPORTER

I, George Schumer, a Certified Shorthand Reporter, hereby certify that the witness in the forgoing matter was by me duly sworn to tell the truth, the whole truth and nothing but the truth in the within-entitled cause;

That said proceeding 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 vested in the outcome of this cause, and that I am not related to any of the parties thereto.

DATED: 2-23-08



George Schumer, CSR 3326