EXHIBIT 27

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

ORACLE CORPORATION, a Delaware   )
corporation, ORACLE USA, INC., a)
Colorado corporation, and ORACLE)
INTERNATIONAL CORPORATION,   )
a California corporation,   )
        Plaintiffs,   )
)
vs.   ) CASE NO. 07-CV-01658 (MJJ)
)
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"

ORAL VIDEOTAPED DEPOSITION

JOHN RITCHIE

DECEMBER 2, 2009

    ORAL VIDEOTAPED DEPOSITION OF JOHN RITCHIE, produced as a

witness at the instance of the Plaintiffs and duly sworn, was

taken in the above-styled and numbered cause on the 2nd day of

December, 2009, from 9:52 a.m. to 3:30 p.m., before Dana

Richardson, Certified Shorthand Reporter in and for the State

of Texas, reported by computerized stenotype machine at the

Hilton Hotel & Conference Center, 801 University Drive East,

College Station, Texas 77840, pursuant to the Federal Rules of

Civil Procedure and the provisions stated on the record or

attached hereto.

    Job No. 1603-93483

TEXT REMOVED - NOT RELEVANT TO MOTION

14:35:33	19	Q. How many -- do you know anything about the actual
14:35:36	20	operation and structure of the website that Titan would
14:35:40	21	access?
14:35:42	22	A. Yes.
14:35:43	23	Q. How many computers was it based on?
14:35:47	24	A. How many computers?
14:35:47	25	Q. How many servers?

14:35:50	1	A.	Don't know.
14:35:50	2	Q.	How many servers were JDE?
14:35:52	3	A.	How many servers for JDE?
14:35:53	4	Q.	Yeah, had JDE stuff on them.
14:35:54	5	A.	I don't know.
14:35:56	6	Q.	How many had PeopleSoft?
14:35:57	7	A.	Don't know.
14:35:58	8	Q.	How many had Siebel?
14:36:00	9	A.	Don't know.
14:36:00	10	Q.	Do you know how many in total?
14:36:01	11	A.	No.

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14:37:17	17	Q. And you don't have any idea how many computers the
14:37:19	18	Oracle website is actually based on, right?
14:37:21	19	A. That's actually immaterial; but if you want to ask me
14:37:23	20	that question, I'll say I don't know.
14:37:25	21	Q. How many connections to the Oracle website are
14:37:26	22	available at any given time?
14:37:29	23	A. At any given time? I don't know. I'd have to test
14:37:32	24	it.
14:37:32	25	Q. Did you ever do that testing?

14:37:34	1	A.	Yes.
14:37:34	2	Q.	How did you test it?
14:37:36	3	A.	Like I said, I tested manually. Then I tested while
14:37:40	4		Titan was running.
14:37:41	5	Q.	And you tested while Titan was running to determine
14:37:41	6		when Titan started to return error messages, right?
14:37:45	7	A.	Right.
14:37:45	8	Q.	And there is no single document we looked at today
14:37:48	9		that in any way, shape or form says that the error messages
14:37:52	10		came because of overloaded the website, right? Every document
14:37:57	11		says some error message or error message for some reason,
14:37:59	12		right?
14:38:00	13	A.	Well, you have not shown me any of my log files. The
14:38:01	14		log files do show that.
14:38:02	15	Q.	The log files show a 404 message, right?
14:38:07	16	A.	Actually, they show a broken connection.
14:38:08	17	Q.	A broken connection?
14:38:10	18	A.	Yes.
14:38:11	19	Q.	Does it say why the connection broke?
14:38:13	20	A.	Yes.
14:38:13	21	Q.	What precisely would it say to prove that it was a
14:38:16	22		break caused by overload of the Oracle website?
14:38:17	23	A.	Oh, it would not break because of overload. It just
14:38:20	24		breaks.
14:38:21	25	Q.	It just breaks. Break because a mouse chews through

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14:38:25   1   a cable, maybe?

14:38:26   2   A.   Maybe or maybe because you're accessing too much

14:38:27   3   information at once.

14:38:28   4   Q.   Or it breaks because there's a storm or there's a

14:38:31   5   sunspot and sometimes things don't work so well, right?

14:38:34   6   A.   Yeah, or because they're running Windows and we all

14:38:37   7   know Windows has problems.

14:38:38   8   Q.   There you go. So --

14:38:38   9   A.   But if you want to -- I see where you're getting at,

14:38:40   10   if I can cut you off. You want to know how can I determine

14:38:43   11   whether or not we were impacting Oracle servers without

14:38:48   12   knowing how many servers they have. I know that because I

14:38:51   13   cannot access their website reliably while Titan is running.

14:38:57   14   If you run multiple instances, you have even harder times

14:39:00   15   logging on to their website, if at all.

14:39:03   16   Q.   And you can't rule out, can you, that the reason for

14:39:04   17   that problem was something other than the number of Oracle's

14:39:07   18   connections or burdens in Oracle's website?

14:39:13   19   A.   I can't rule out any other reasons, but I would say

14:39:14   20   highly unlikely there would be sunspots or a mouse chewing

14:39:17   21   through the cable. A very high percentage would be the fact

14:39:21   22   that the servers are being overloaded and --

14:39:24   23   Q.   When Oracle -- I'm sorry.

14:39:25   24   A.   -- basically bringing out errors that are within the

14:39:27   25   site.

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15:15:12	16	Q. So, if for any reason Titan becomes disconnected,
15:15:17	17	there's a range of possible reasons, correct?
15:15:18	18	A. Yes.
15:15:18	19	Q. Okay. And the functionality you talked about
15:15:19	20	allowing it to reconnect is designed to cover a range of
15:15:22	21	possible causes of disconnection, correct?
15:15:24	22	A. Correct.
15:15:24	23	Q. And you don't -- you -- there is no one and only one
15:15:29	24	reason why Titan might become disconnected?
15:15:34	25	A. No.

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 9          I declare under penalty of perjury that the foregoing is

10     true and correct.

11

12                          _____

13                          JOHN RITCHIE

14

15

16          SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned

17     authority, by the witness, JOHN RITCHIE, on this the _____ day

18     of _____, _____.

19

20                          _____

21                          NOTARY PUBLIC IN AND FOR

22                          THE STATE OF _____

23

24     My Commission Expires: _____

25
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REPORTER'S CERTIFICATE

I, Dana Richardson, a Certified Shorthand Reporter in and

for the State of Texas, do certify that this deposition

transcript is a true record of the testimony given by the

witness named herein, after said witness was duly sworn by me.

The witness was requested to review the deposition.

I further certify that I am neither attorney or counsel

for, related to, nor employed by any parties to the action in

which this testimony is taken and, further, that I am not a

relative or employee of any counsel employed by the parties

hereto or financially interested in the action.

I further certify that the amount of time used by each
party at the deposition is as follows:

Mr. Geoff Howard - 03:47
Mr. Greg Lanier - 00:56

SUBSCRIBED AND SWORN TO under my hand and seal of office
on this the _8_ day of _December_ ,
_2009_ .

Dana Richardson, CSR
Texas CSR 5386
Expiration: 12/31/11
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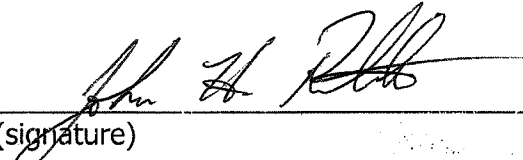____   ____   Change:_____

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