

# EXHIBIT 7

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

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ORACLE CORPORATION, a Delaware  
Corporation; ORACLE, USA, INC.,  
a Colorado Corporation, and  
ORACLE INTERNATIONAL CORPORATION,  
a California Corporation,

Plaintiffs,

Vs.

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.  
\_\_\_\_\_ /

VIDEOTAPED DEPOSITION OF  
PAUL PINTO  
\_\_\_\_\_

Wednesday, May 19, 2010

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Reported By: WENDY E. ARLEN, CSR #4355, CRR, RMR  
Job 427372

TEXT REMOVED - NOT RELEVANT TO MOTION

09:49 20 Q. Okay. So you engaged these -- you engaged  
21 NIIT or those six people?  
22 A. I engaged NIIT.  
23 Q. And what did you provide to them?  
24 A. So for the analysis work they did, I provided  
09:49 25 them with the ISO files.

1 Q. Of the four suites.

2 A. Correct. That's not true. Provided them

3 with the ISO files for two --

4 Q. Two?

09:49 5 A. -- of the four suites.

6 Q. Which two?

7 A. JD Edwards EnterpriseOne.

8 Q. Okay.

9 A. And PeopleSoft.

09:50 10 Q. And what else did you provide them?

11 A. Guidance, management, daily discussions.

12 Q. And these people assisted you by conducting

13 what kind of -- did they assist you in your COCOMO

14 analysis?

09:50 15 A. No.

16 Q. Did they assist you in your function point

17 analysis?

18 A. Too broad. Function point analysis is a big

19 term.

09:50 20 Q. Okay. Did they contribute somehow to your

21 function point analysis, your efforts to develop a

22 function point sizing?

23 A. They contributed to the backfiring results.

24 Q. Okay. In what way?

09:50 25 A. They extracted the source code files from the

1            ISO files, which is a laborious task. They sorted  
2            them by the various types of source code, stratified  
3            them by the types of source code, counted the logical  
4            lines of source code and produced those counts.

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11 Q. And the hard drives were sent to you in a  
12 disassembled form and you returned them to Bingham.

13 A. The original external hard drives that I  
14 provided to NIIT were returned to me. The hard  
09:56 15 drives, the physical hard drives that existed on the  
16 machines at NIIT were disassembled and the hard  
17 drives were destroyed.

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21            Q.            Why didn't NIIT use industry standard  
22            counting utilities?

23                        MS. HOUSE:    Objection, vague, assumes facts  
24            not in evidence.

13:16        25                        THE WITNESS:    I'll answer it.    We looked at a

1            number of counting utilities that were available in  
2            the market and there wasn't a unified utility that  
3            could count all of the code bases in question, the  
4            trickiest one being PeopleCode because it's a  
13:16    5            proprietary language.

6                        So as opposed to going with a mixed bag of  
7            off-the-self utilities and one or two custom ones, it  
8            was decided it was better to use the utilities NIIT  
9            had in-house that were proven over the last seven  
13:16    10            years, myself included, to work appropriately.

TEXT REMOVED - NOT RELEVANT TO MOTION



Page	Line	Change:	Reason:
<u>263</u>	<u>21</u>	<u>"SO" TO "A"</u>	<u>CORRECTION</u>
<u>285</u>	<u>1</u>	<u>"IF COULD" TO "IF I COULD"</u>	<u>CORRECTION</u>
<u>295</u>	<u>15</u>	<u>"IT NOT" TO "IT IS NOT"</u>	<u>CORRECTION</u>
<u>316</u>	<u>17</u>	<u>"CM LEVEL" TO "CMD LEVEL"</u>	<u>CORRECTION</u>
<u>319</u>	<u>18</u>	<u>"143" TO "144"</u>	<u>CORRECTION</u>
<u>325</u>	<u>13</u>	<u>"CHANGES" TO "RATES"</u>	<u>CORRECTION</u>
<u>330</u>	<u>21</u>	<u>OMIT "IS"</u>	<u>CORRECTION</u>

RCB Subject to the above changes, I certify that the transcript is true and correct.

\_\_\_\_\_ No changes have been made. I certify that the transcript is true and correct.

  
 (signature)

6/23/10  
 (date)

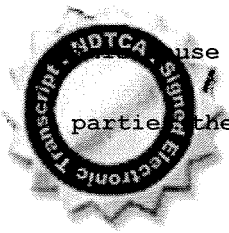
CERTIFICATE OF REPORTER

I, WENDY E. ARLEN, 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 use and that I am not related to any of the parties thereto.



DATED: May 25, 2010

Wendy E. Arlen

WENDY E. ARLEN CSR, No. 4355