

# EXHIBIT K

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

DANIEL LEVY, PH.D.

FRIDAY, APRIL 30, 2010

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

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

(1-427360)

TEXT REMOVED - NOT RELEVANT TO MOTION

11:10:04 3 MR. WILKES: Q. Yeah. Do you have any  
11:10:05 4 other -- do you have any understanding regarding  
11:10:08 5 the use of the data warehouse as it's used in this  
11:10:11 6 case other than what's listed in your report?  
11:10:18 7 A. I think what's listed in my report  
11:10:20 8 generally describes it.  
11:10:21 9 Q. And did you look at the data warehouse in  
11:10:24 10 this case?  
11:10:31 11 A. Again, I may have seen some files from the  
11:10:34 12 data warehouse on that -- one of the calls with  
11:10:39 13 Mr. Mandia.  
11:10:40 14 Q. Do you recall any specific files?  
11:10:41 15 A. I -- actually, I don't recall the specific  
11:10:43 16 files.  
11:10:45 17 Q. Did you look at TomorrowNow's backtrack  
11:10:47 18 database?  
11:10:52 19 A. I don't recall specifically right now if  
11:10:53 20 we looked at that or not.  
11:10:55 21 Q. Did you look at TomorrowNow's server  
11:10:57 22 TNFS01?  
11:11:01 23 A. Again, we may have looked at some files  
11:11:03 24 from that. There were a large number of them. I  
11:11:06 25 didn't cordon off exactly where the -- the specific

11:11:10

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locations they were coming from.

TEXT REMOVED - NOT RELEVANT TO MOTION

17:03:08 1 recall that there was an error in it. I can't say  
17:03:12 2 that there isn't.

17:03:14 3 MR. WILKES: That's all the questions we  
17:03:15 4 have for now.

17:03:17 5 MR. PICKETT: Okay. Thank you.

17:03:19 6 THE VIDEO OPERATOR: Going off the record,  
17:03:20 7 the time now is 5:03. This also is the conclusion  
17:03:24 8 of Tape 4.

17:03:26 9 (Time noted, 5:03 p.m.)

17:03:32 10 --o0o--

17:03:32 11 I declare under penalty of perjury that  
17:03:32 12 the foregoing is true and correct. Subscribed at  
17:03:32 13 San Francisco, California, this 30 day of  
17:03:32 14 April 2010.

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DANIEL LEVY, PH.D.

18 Errata signed June 10, 2010

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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 state, and that the testimony of 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: May 12, 2010  
Holly Thuman  
HOLLY THUMAN, CSR