

# EXHIBIT C

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

09:59:38

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So is it fair to say that you were

09:59:41 1 attempting to to design a statistically valid  
09:59:43 2 sample of TomorrowNow's PeopleSoft HRMS payroll tax  
09:59:47 3 and regulatory updates or fixes?  
09:59:51 4 A. Payroll tax -- give me the last four words  
09:59:55 5 again?  
09:59:55 6 Q. And regulatory updates or fixes.  
09:59:57 7 A. Yes.  
09:59:59 8 Q. And that you were selecting a sample of  
10:00:01 9 fixes from both the critical support fix population  
10:00:04 10 and the retrofit population. Right?  
10:00:09 11 A. A population from both of those, yes.  
10:00:11 12 Q. And you were attempting to correctly  
10:00:12 13 formulate statistics to calculate and report.  
10:00:16 14 Right?  
10:00:18 15 A. Yes. That -- yes, that's correct. But at  
10:00:28 16 that -- I believe I did that.

TEXT REMOVED - NOT RELEVANT TO MOTION

TEXT REMOVED - NOT RELEVANT TO MOTION

15:19:39	22	Is it fair to say that the percentages
15:19:42	23	derived from the selected samples are estimates
15:19:44	24	based on a sample which has sampling error in your
15:19:47	25	report?

15:19:49

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A. That's correct.

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.)

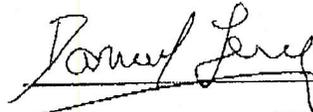
17:03:32 10 --o0o--

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.

17:03:32 15

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17:03:32 17



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