EXHIBIT L

Page 1 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,) No. 07-CV-1658 (PJH) vs. 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 GREG STORY TUESDAY, DECEMBER 1, 2009 HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

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

(1-424591)

GREG STORY December 1, 2009 HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

19:25:15 5 firm, I think that's what's covered by Mr. Polito's 19:25:12 6 6 7 10 10 10 10 10 10 10			Page 18			Page 20
	09:25:02	1	If there are communications solely between	09:27:04	1	A. In the hotel lobby.
19-25-11-1 4 Mr. Mandia or anyone with his firm, the Mandiant or approach with this firm, the Mandiant or approach with the Mandiant or approach	09:25:03	2	you and the Bingham lawyers or in-house Oracle	09:27:06	2	Q. And how long was the meeting?
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19-25-12-0 6 instruction. He can instruct you otherwise. 09-27-12 7 7 7 7 7 7 7 7 7	09:25:15	5		09:27:18	5	
19-25-12-22 7	09:25:20	6		09:27:20	6	
December 2012 Box Mr. Mandia and you providing any information to December 2012 Box Mr. Mandia, I'm entitled to know that. December 2012 Decem	09:25:22	7	-	09:27:21	7	Q. Was it Cory Altheide?
9 Mr. Mandia, I'm entitled to know that. 93:25:28 9 Mr. Mandia, I'm entitled to know that. 93:27:27 10 Mat matering, if you recall? 93:27:28 11 MR. COUAN: Q. Well, if there's an issue 93:25:33 12 characterization. 93:25:35 13 MR. COWAN: Q. Well, if there's an issue 93:25:35 14 there, I need to at least know on the record if 93:27:42 15 communication you had with Mr. Mandia or anyone at working my question, and the and not 93:25:48 16 communication you had with Mr. Mandia or anyone at working my question, it still involves some 93:25:48 17 communication you had with Mr. Mandia or anyone at working my question, it still involves some 93:25:48 18 lis firm that you believe may be privileged. 93:27:49 93:25:55 19 And I may have to give you an opportunity 93:27:54 93:25:55 20 to consult with counsel, but I want that clear on 93:27:55 93:25:55 21 the record? 93:25:55 22 MR. POLITO: I'm going to object to the 93:28:02 93:28:05 93:	09:25:24	8		09:27:24	8	
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09:26:247instruct you appropriately.09:28:247inspection?09:26:258THE WITNESS: I will use my counsel's09:28:258A. It was not discussed.09:26:279judgment.09:28:269Q. Okay. The morning of the inspection, die09:26:2910MR. COWAN: Q. Okay. Assuming he permits09:28:3010you have any meeting before you went to the factories of the angular properties of the angular properties.09:26:3012A. Absolutely.09:28:3211to inspect the AS/400s in Bryan?09:26:3813Q. So you don't recall any communications with09:28:3812A. I believe we met for breakfast.09:26:4014anyone at Mr. Mandia's firm prior to traveling to09:28:4213Q. Other than just having breakfast, do you09:26:4415Bryan, Texas?09:28:4414recall any specific discussion about with09:26:4516MR. POLITO: Misstates the witness's09:28:5116inspection?09:26:4817testimony.09:28:5217MR. POLITO: I'm going to caution you not not answer to the extent that it would reveal09:26:4818THE WITNESS: No, thanks. No, I don't09:28:5519privileged attorney-client communications.	09:26:19	5	MR. POLITO: And I'm going to remind you	09:28:17	5	before the November 11th, 2008 inspection regarding
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09:26:279judgment.09:28:269Q. Okay. The morning of the inspection, did09:26:2710MR. COWAN: Q. Okay. Assuming he permits09:28:3010you have any meeting before you went to the factoring to inspect the AS/400s in Bryan?09:26:2911you to do so, will you do that?09:28:3211to inspect the AS/400s in Bryan?09:26:3012A. Absolutely.09:28:3812A. I believe we met for breakfast.09:26:3813Q. So you don't recall any communications with09:28:4213Q. Other than just having breakfast, do you09:26:4014anyone at Mr. Mandia's firm prior to traveling to09:28:4414recall any specific discussion about with09:26:4415Bryan, Texas?09:28:4615Mr. Altheide about what he intended to do durin09:26:4516MR. POLITO: Misstates the witness's09:28:5116inspection?09:26:4817testimony.09:28:5217MR. POLITO: I'm going to caution you not on any or one of the extent that it would reveal09:26:4818THE WITNESS: No, thanks. No, I don't09:28:5318to answer to the extent that it would reveal09:26:5019recall.09:28:5519privileged attorney-client communications.	09:26:24	7	instruct you appropriately.	09:28:24	7	inspection?
09:26:2710MR. COWAN: Q. Okay. Assuming he permits09:28:3010you have any meeting before you went to the factorial points and the permits of t	09:26:25	8	THE WITNESS: I will use my counsel's	09:28:25	8	A. It was not discussed.
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12 A. Absolutely. 13 Q. So you don't recall any communications with 15 Bryan, Texas? 16 MR. POLITO: Misstates the witness's 17 testimony. 18 THE WITNESS: No, thanks. No, I don't 19:26:50 19 19:26:50 19 19:28:55 10 9:28:38 12 A. I believe we met for breakfast. 19:28:42 13 Q. Other than just having breakfast, do you 19:28:44 14 recall any specific discussion about with 16 Mr. Altheide about what he intended to do durin 18 inspection? 19:28:48 19 Mr. POLITO: I'm going to caution you not an answer to the extent that it would reveal 19:28:55 19 privileged attorney-client communications.	09:26:27	10	MR. COWAN: Q. Okay. Assuming he permits	09:28:30	10	you have any meeting before you went to the facility
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09:26:48 18 THE WITNESS: No, thanks. No, I don't 09:28:53 18 to answer to the extent that it would reveal 09:26:50 19 recall. 09:28:55 19 privileged attorney-client communications.						•
09:26:50 19 recall. 09:28:55 19 privileged attorney-client communications.			•	1		
				1		
09:26:51 21 indicated you believe the first communication you 09:28:58 21 MR. COWAN: Q. Do you have an						
						understanding, when Mr. Polito tells you, what a
						privileged attorney-client communication what
09:27:00 24 A. Yes. 09:29:02 24 that means?			_			
09:27:01 25 Q. Where did that meeting occur? 09:29:03 25 A. I do.						

GREG STORY December 1, 2009 HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

		Page 54			Page 56
10:19:01	1	Q. And then did you select the entire contents	10:21:40	1	some idea of what we wanted to restore. And I don't
10:19:03	2	of the tape to restore onto the AS/400?	10:21:46	2	recall where that came from or what criteria was
10:19:08	3	A. No, I don't believe so. I if I remember	10:21:51	3	used.
10:19:10	4	correctly, TomorrowNow gave us everything that was	10:21:53	4	Q. If so you're saying there was some
10:19:14	5	on their system, and we did not restore everything.	10:21:58	5	criteria used; you just don't recall what it was?
10:19:19	6	Specifically, data libraries. We weren't interested	10:22:01	6	A. Well, there has to be some criteria; it
10:19:22	7	in data libraries or customer data. They were	10:22:04	7	wouldn't just restore things haphazardly. And I do
10:19:24	8	omitted.	10:22:08	8	not recall what that criteria was.
10:19:25	9	Q. So you did not do a restoration in Denver	10:22:10	9	Q. You don't recall getting any email
10:19:29	10	of the same AS/400 completely that was inspected on	10:22:12	10	communication from Mr. Altheide telling you
10:19:34	11	November 11, 2008. Correct?	10:22:14	11	specifically what he wanted you to restore?
10:19:38	12	MR. POLITO: Misstates witness testimony.	10:22:23	12	A. I don't recall.
10:19:40	13	THE WITNESS: Correct.	10:22:45	13	Q. Have you kept any record as to what is on
10:19:40	14	MR. COWAN: Q. You only restored off of	10:22:48	14	the AS/400 that's in Denver?
10:19:42	15	those tapes portions of what was installed on the	10:22:51	15	It's the same let me back up.
10:19:42		AS/400 you inspected in Bryan. Correct?	10:22:51	16	1
	16	A. Correct.	10:22:54		Is does the restored data that you
10:19:51	17			17	restored in January of '09 still exist on the AS/400
10:19:54	18	Q. Do you recall what criteria you used, if	10:23:02	18	in Denver as we sit here today?
10:19:56	19	any, to determine which portions of data off of the	10:23:03	19	A. No, sir.
10:20:00	20	tapes that you selected to restore onto the AS/400	10:23:04	20	Q. When was it removed?
10:20:04	21	in Denver?	10:23:06	21	A. The end of the week after the Mandiant
10:20:06	22	A. When you say data, do you mean objects?	10:23:12	22	representative and I were finished with it.
10:20:08	23	Q. Yeah, any type of computer data.	10:23:15	23	Q. Has there been any additional restorations
10:20:13	24	Well, okay. Fair enough. Because you're	10:23:17	24	of any of the tapes by you on any AS/400 since
10:20:16	25	distinguishing between like customer data versus	10:23:25	25	January of '09?
		Page 55			Page 57
10:20:19	1	source, et cetera.	10:23:26	1	A. No, sir.
10:20:21	2	I'm using it in a very generic term. Any	10:23:27	2	MR. POLITO: Take a second to let me
10:20:25	3	binary data.	10:23:28	3	object.
10:20:29	4	A. Understood. And the please restate the	10:23:48	4	(Discussion off the record.)
10:20:31	5	question again?	10:23:50	5	MR. COWAN: Q. How long was Mr. Altheide
10:20:32	6	Q. Yeah. The tape that you had had binary	10:23:51	6	in Denver looking at the portions of the tape that
10:20:34	7	data on it, did it not?	10:23:54	7	were restored onto the AS/400 in Denver?
10:20:36	8	A. Yes.	10:24:00	8	A. I believe it was a week, 5 days.
10:20:36	9	Q. And you did a command on the system to	10:24:02	9	Q. What did he do, if you know?
10:20:44	10	The state of the s	10:24:07	10	A. We sat in the basement and looked at
10:20:46	11	A. Correct.	10:24:12	11	innumerable objects and countless lines of source
10:20:47	12	Q. And you were able to view the contents of	10:24:17	12	code.
10:20:49	13	the tape. Yes?	10:24:17	13	Q. Are you a developer, a World developer?
10:20:51	14		10:24:20	14	A. No, sir. I'm a system administrator. I've
10:20:53	15		10:24:23	15	been around developers, I work with developers, I
10:20:55	16		10:24:25	16	help developers, and I'm exposure to code, but I
10:21:00	17	-	10:24:30	17	am not a developer.
10:21:01	18	_	10:24:32	18	Q. You've never written any World code?
10:21:02	19		10:24:34	19	A. World, JD Edwards World code?
10:21:04	20	3 1	10:24:36	20	Q. Yes.
10:21:20	21		10:24:36	21	A. No, sir.
10:21:21	22		10:24:38	22	Q. Would you know how to write World code?
10:21:23	23	, J 1	10:24:42	23	A. I have written small CL programs CL is
10:21:30	24		10:24:48	24	command it stands for command language, and it's
10:21:34	25		10:24:51	25	the command like I gave you before, "work library,"
[2.5	myself. Ceranny we would have had to have had	L	23	and communications is gave you before, work morary,

GREG STORY December 1, 2009 HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

		Page 70			Page 72
10:41:47	1	probably a collaborative effort, but I don't recall	10:44:24	1	A. I don't recall for certain.
10:41:52	2	anything specific that I was interested in or that	10:44:27	2	Q. Did you have any input whatsoever in
10:41:57	3	he was interested in that we were looking at	10:44:36	3	determining and I'm going to break it up
10:41:59	4	specifically, outside of what I've already answered,	10:44:40	4	what let me back up. I'm going to break this up
10:42:04	5	the lines of code and code changes.	10:44:43	5	into two pieces.
10:42:06	6	Q. Right. But that's a generic description of	10:44:44	6	Did you have any input whatsoever into
10:42:08	7	what you're looking at. I was more interested in	10:44:46	7	determining what source code Mr. Altheide or anyone
10:42:11	8	whether you made provided any input whatsoever	10:44:49	8	else at Mandiant was interested in reviewing?
10:42:14	9	as to figure out which portions of source code	10:45:03	9	A. No. I believe my best recollection is
10:42:14	10	would be reviewed by anyone at Mandiant.	10:45:09	10	that the decision was made to look at code changes,
10:42:19		, and the second	10:45:11	11	and they might have been related to year-end
	11	MR. POLITO: Is there a question pending?	10:45:11	12	
10:42:24	12	Hold on. There's no question pending.		13	updates, something like W-2, T4, something along
10:42:27	13	MR. COWAN: Okay. Let me rephrase it in	10:45:20		those lines, and I was not involved with that
10:42:29	14	the form a better form of a question.	10:45:23	14	decision.
10:42:31	15		10:45:32	15	Q. Did you have any input whatsoever into
10:42:36	16		10:45:34	16	determining what libraries Mr. Altheide or anyone
10:42:40	17		10:45:40	17	else at Mandiant was interested in reviewing?
10:42:53	18	A. I believe we looked at metadata, and also	10:45:57	18	A. I do not remember a specific case where I
10:42:56	19	8	10:46:00	19	was interested in something and directed the
10:43:03	20	8	10:46:05	20	would this be an investigation? I don't know in
10:43:09	21		10:46:08	21	any way.
10:43:12	22	see source change dates and that sort of thing.	10:46:21	22	Q. So your answer is, you don't remember a
10:43:16	23	Q. In other words, you helped Mr. Altheide	10:46:25	23	specific case that you were interested in something
10:43:19	24	understand what data he was looking at and the	10:46:26	24	and directed the investigation in any way?
10:43:21	25	amount of information that was available in the	10:46:30	25	A. Correct.
		Page 71			Page 73
0:43:23	1	data?	10:46:35	1	Q. Was there anyone else in the room with you
0:43:24	2	A. I would say more in a navigational	10:46:36	2	and Mr. Altheide when you were reviewing the
0:43:26	3	standpoint.	10:46:41	3	restored portions of the backup tape on the AS/400
0:43:27	4	Q. Okay.	10:46:45	4	in Denver?
0:43:27	5	A. So how to get the information that he was	10:46:49	5	A. There were times when system engineers
0:43:29	6	interested in.	10:46:53	6	it was in a locked room, so only certain people had
0:43:30	7	Q. And that's my question. Did you have any	10:46:57	7	access, and there were times when system engineers
0:43:34	8	input in determining what Mr. Altheide was	10:46:59	8	would come through and work in the same room, but it
0:43:34	9		10:47:01	9	was a big room. It was larger than this room. So
		interested in reviewing? Did you help him decide	10:47:05		
0:43:40	10	what that was? Not help him navigate through the	1	10	yes.
0:43:43	11	review of what he wanted to review, but helping	10:47:05	11	Q. But no one working with the two of you?
0:43:46	12	decide what it is he wanted to review?	10:47:07	12	A. No, sir.
0:43:48	13	MR. POLITO: That's compound.	10:47:07	13	Q. And just the two of you worked together for
.0:43:49	14	MR. COWAN: Q. Do you understand my	10:47:10	14	4, 4 1/2, 5 days that one week in January of '09?
0:43:50	15	question?	10:47:13	15	A. Correct.
0:43:50	16	A. Yeah, I believe I do. So	10:47:13	16	Q. No one else from Oracle was involved?
0:44:00	17	Q. And let me because it was a compound	10:47:15	17	A. No, sir.
0:44:02	18	question, given that it has two question marks in	10:47:16	18	Q. And no one else from Mandiant was involved?
0:44:04	19	the question.	10:47:18	19	A. Not in the room, no.
0:44:05	20	Did you have any input in determining what	10:47:20	20	Q. And no one from Bingham law firm or
0:44:08	21	Mr. Altheide was interested in reviewing?	10:47:22	21	in-house lawyers at Oracle were there either?
0:44:14	22	A. Possibly. Is that an acceptable answer?	10:47:27	22	A. No.
0:44:17	23	Q. Well, I'm trying to figure out what that	10:47:27	23	Q. Correct?
0:44:19	24	is. If it's a possible, then I need you to tell me	10:47:29	24	A. Correct.
0:44:21	25	what it was.	10:47:29	25	(Deposition Exhibit 794 was marked for

1 .	CERTIFICATE OF REPORTER
2	I, HOLLY THUMAN, a Certified Shorthand
3	Reporter, hereby certify that the witness in the
4	foregoing deposition was by me duly sworn to tell the
· 5 :	truth, the whole truth, and nothing but the truth in the
6	within-entitled cause; that said deposition was taken
7	down in shorthand by me, a disinterested person, at the
8	time and place therein stated, and that the testimony of
9	the said witness was thereafter reduced to typewriting,
10	by computer, under my direction and supervision;
11	That before completion of the deposition,
12	review of the transcript [X] was [] was not requested.
13	If requested, any changes made by the deponent (and
14	provided to the reporter) during the period allowed are
15	appended hereto.
16	I further certify that I am not of counsel or
17	attorney for either or any of the parties to the said
18	deposition, nor in any way interested in the event of
19	this cause, and that I am not related to any of the
20	parties thereto.
21	
22	December 8, 2009.
23	
24	John Thum
25	HOLLY THUMAN, CSR No. 6834

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