

EXHIBIT L

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.) 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
GREG STORY

TUESDAY, DECEMBER 1, 2009

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

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

(1-424591)

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10:19:01 1 Q. And then did you select the entire contents
10:19:03 2 of the tape to restore onto the AS/400?
10:19:08 3 A. No, I don't believe so. I -- if I remember
10:19:10 4 correctly, TomorrowNow gave us everything that was
10:19:14 5 on their system, and we did not restore everything.
10:19:19 6 Specifically, data libraries. We weren't interested
10:19:22 7 in data libraries or customer data. They were
10:19:24 8 omitted.
10:19:25 9 Q. So you did not do a restoration in Denver
10:19:29 10 of the same AS/400 completely that was inspected on
10:19:34 11 November 11, 2008. Correct?
10:19:38 12 MR. POLITO: Misstates witness testimony.
10:19:40 13 THE WITNESS: Correct.
10:19:40 14 MR. COWAN: Q. You only restored off of
10:19:42 15 those tapes portions of what was installed on the
10:19:47 16 AS/400 you inspected in Bryan. Correct?
10:19:51 17 A. Correct.
10:19:54 18 Q. Do you recall what criteria you used, if
10:19:56 19 any, to determine which portions of data off of the
10:20:00 20 tapes that you selected to restore onto the AS/400
10:20:04 21 in Denver?
10:20:06 22 A. When you say data, do you mean objects?
10:20:08 23 Q. Yeah, any type of computer data.
10:20:13 24 Well, okay. Fair enough. Because you're
10:20:16 25 distinguishing between like customer data versus

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10:20:19 1 source, et cetera.
10:20:21 2 I'm using it in a very generic term. Any
10:20:25 3 binary data.
10:20:29 4 A. Understood. And the -- please restate the
10:20:31 5 question again?
10:20:32 6 Q. Yeah. The tape that you had had binary
10:20:34 7 data on it, did it not?
10:20:36 8 A. Yes.
10:20:36 9 Q. And you did a command on the system to
10:20:44 10 determine the contents on the tape. Correct?
10:20:46 11 A. Correct.
10:20:47 12 Q. And you were able to view the contents of
10:20:49 13 the tape. Yes?
10:20:51 14 A. From a library level, yes.
10:20:53 15 Q. Okay. And then you made decisions as to
10:20:55 16 which libraries you wanted to restore to the AS/400
10:21:00 17 in Denver. Right?
10:21:01 18 A. Correct.
10:21:02 19 Q. And my question is, what criteria, if any,
10:21:04 20 did you use to make those decisions?
10:21:20 21 A. I don't recall.
10:21:21 22 Q. Were you provided some criteria by
10:21:23 23 Mr. Altheide?
10:21:30 24 A. Yeah, I don't remember making any decisions
10:21:34 25 myself. Certainly we would have had to have had

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10:21:40 1 some idea of what we wanted to restore. And I don't
10:21:46 2 recall where that came from or what criteria was
10:21:51 3 used.
10:21:53 4 Q. If -- so you're saying there was some
10:21:58 5 criteria used; you just don't recall what it was?
10:22:01 6 A. Well, there has to be some criteria; it
10:22:04 7 wouldn't just restore things haphazardly. And I do
10:22:08 8 not recall what that criteria was.
10:22:10 9 Q. You don't recall getting any email
10:22:12 10 communication from Mr. Altheide telling you
10:22:14 11 specifically what he wanted you to restore?
10:22:23 12 A. I don't recall.
10:22:45 13 Q. Have you kept any record as to what is on
10:22:48 14 the AS/400 that's in Denver?
10:22:51 15 It's the same -- let me back up.
10:22:54 16 Is -- does the restored data that you
10:22:56 17 restored in January of '09 still exist on the AS/400
10:23:02 18 in Denver as we sit here today?
10:23:03 19 A. No, sir.
10:23:04 20 Q. When was it removed?
10:23:06 21 A. The end of the week after the Mandiant
10:23:12 22 representative and I were finished with it.
10:23:15 23 Q. Has there been any additional restorations
10:23:17 24 of any of the tapes by you on any AS/400 since
10:23:25 25 January of '09?

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10:23:26 1 A. No, sir.
10:23:27 2 MR. POLITO: Take a second to let me
10:23:28 3 object.
10:23:48 4 (Discussion off the record.)
10:23:50 5 MR. COWAN: Q. How long was Mr. Altheide
10:23:51 6 in Denver looking at the portions of the tape that
10:23:54 7 were restored onto the AS/400 in Denver?
10:24:00 8 A. I believe it was a week, 5 days.
10:24:02 9 Q. What did he do, if you know?
10:24:07 10 A. We sat in the basement and looked at
10:24:12 11 innumerable objects and countless lines of source
10:24:17 12 code.
10:24:17 13 Q. Are you a developer, a World developer?
10:24:20 14 A. No, sir. I'm a system administrator. I've
10:24:23 15 been around developers, I work with developers, I
10:24:25 16 help developers, and I'm -- exposure to code, but I
10:24:30 17 am not a developer.
10:24:32 18 Q. You've never written any World code?
10:24:34 19 A. World, JD Edwards World code?
10:24:36 20 Q. Yes.
10:24:36 21 A. No, sir.
10:24:38 22 Q. Would you know how to write World code?
10:24:42 23 A. I have written small CL programs -- CL is
10:24:48 24 command -- it stands for command language, and it's
10:24:51 25 the command like I gave you before, "work library,"

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10:41:47 1 probably a collaborative effort, but I don't recall
10:41:52 2 anything specific that I was interested in or that
10:41:57 3 he was interested in that we were looking at
10:41:59 4 specifically, outside of what I've already answered,
10:42:04 5 the lines of code and code changes.
10:42:06 6 Q. Right. But that's a generic description of
10:42:08 7 what you're looking at. I was more interested in
10:42:11 8 whether you made -- provided any input whatsoever
10:42:14 9 as -- to figure out which portions of source code
10:42:19 10 would be reviewed by anyone at Mandiant.
10:42:23 11 MR. POLITO: Is there a question pending?
10:42:24 12 Hold on. There's no question pending.
10:42:27 13 MR. COWAN: Okay. Let me rephrase it in
10:42:29 14 the form -- a better form of a question.
10:42:31 15 Q. Did you provide any input whatsoever into
10:42:36 16 the decision regarding which portions of source code
10:42:40 17 Mandiant would review?
10:42:53 18 A. I believe we looked at metadata, and also
10:42:56 19 work libraries. Those -- that's where we I guess
10:43:03 20 began. And I might have provided information as to,
10:43:09 21 if you look at the metadata in this manner, you can
10:43:12 22 see source change dates and that sort of thing.
10:43:16 23 Q. In other words, you helped Mr. Altheide
10:43:19 24 understand what data he was looking at and the
10:43:21 25 amount of information that was available in the

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10:43:23 1 data?
10:43:24 2 A. I would say more in a navigational
10:43:26 3 standpoint.
10:43:27 4 Q. Okay.
10:43:27 5 A. So how to get the information that he was
10:43:29 6 interested in.
10:43:30 7 Q. And that's my question. Did you have any
10:43:34 8 input in determining what Mr. Altheide was
10:43:37 9 interested in reviewing? Did you help him decide
10:43:40 10 what that was? Not help him navigate through the
10:43:43 11 review of what he wanted to review, but helping
10:43:46 12 decide what it is he wanted to review?
10:43:48 13 MR. POLITO: That's compound.
10:43:49 14 MR. COWAN: Q. Do you understand my
10:43:50 15 question?
10:43:50 16 A. Yeah, I believe I do. So --
10:44:00 17 Q. And let me -- because it was a compound
10:44:02 18 question, given that it has two question marks in
10:44:04 19 the question.
10:44:05 20 Did you have any input in determining what
10:44:08 21 Mr. Altheide was interested in reviewing?
10:44:14 22 A. Possibly. Is that an acceptable answer?
10:44:17 23 Q. Well, I'm trying to figure out what that
10:44:19 24 is. If it's a possible, then I need you to tell me
10:44:21 25 what it was.

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10:44:24 1 A. I don't recall for certain.
10:44:27 2 Q. Did you have any input whatsoever in
10:44:36 3 determining -- and I'm going to break it up --
10:44:40 4 what -- let me back up. I'm going to break this up
10:44:43 5 into two pieces.
10:44:44 6 Did you have any input whatsoever into
10:44:46 7 determining what source code Mr. Altheide or anyone
10:44:49 8 else at Mandiant was interested in reviewing?
10:45:03 9 A. No. I believe -- my best recollection is
10:45:09 10 that the decision was made to look at code changes,
10:45:11 11 and they might have been related to year-end
10:45:16 12 updates, something like W-2, T4, something along
10:45:20 13 those lines, and I was not involved with that
10:45:23 14 decision.
10:45:32 15 Q. Did you have any input whatsoever into
10:45:34 16 determining what libraries Mr. Altheide or anyone
10:45:40 17 else at Mandiant was interested in reviewing?
10:45:57 18 A. I do not remember a specific case where I
10:46:00 19 was interested in something and directed the --
10:46:05 20 would this be an investigation? I don't know -- in
10:46:08 21 any way.
10:46:21 22 Q. So your answer is, you don't remember a
10:46:25 23 specific case that you were interested in something
10:46:26 24 and directed the investigation in any way?
10:46:30 25 A. Correct.

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10:46:35 1 Q. Was there anyone else in the room with you
10:46:36 2 and Mr. Altheide when you were reviewing the
10:46:41 3 restored portions of the backup tape on the AS/400
10:46:45 4 in Denver?
10:46:49 5 A. There were times when system engineers --
10:46:53 6 it was in a locked room, so only certain people had
10:46:57 7 access, and there were times when system engineers
10:46:59 8 would come through and work in the same room, but it
10:47:01 9 was a big room. It was larger than this room. So
10:47:05 10 yes.
10:47:05 11 Q. But no one working with the two of you?
10:47:07 12 A. No, sir.
10:47:07 13 Q. And just the two of you worked together for
10:47:10 14 4, 4 1/2, 5 days that one week in January of '09?
10:47:13 15 A. Correct.
10:47:13 16 Q. No one else from Oracle was involved?
10:47:15 17 A. No, sir.
10:47:16 18 Q. And no one else from Mandiant was involved?
10:47:18 19 A. Not in the room, no.
10:47:20 20 Q. And no one from Bingham law firm or
10:47:22 21 in-house lawyers at Oracle were there either?
10:47:27 22 A. No.
10:47:27 23 Q. Correct?
10:47:29 24 A. Correct.
10:47:29 25 (Deposition Exhibit 794 was marked for

CERTIFICATE OF REPORTER

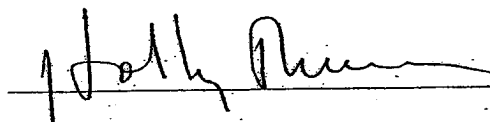
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I, HOLLY THUMAN, a Certified Shorthand Reporter, hereby certify that the witness in the foregoing deposition was by me duly sworn to tell the truth, the whole truth, and nothing but the truth in the within-entitled cause; that said deposition was taken down in shorthand by me, a disinterested person, at the time and place therein 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 this cause, and that I am not related to any of the parties thereto.

DATED December 8, 2009.


HOLLY THUMAN, CSR No. 6834