

# EXHIBIT N

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-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.  
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\*\*\* HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY \*\*\*

DEPOSITION OF STEPHEN GRAY

VOLUME I

(Page 1 - 315)

June 8, 2010

Reported by:  
Natalie Y. Botelho  
CSR No. 9897

Page 114

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Page 115

11:57:48 1 aspects of the Comten software that I didn't need to  
11:57:53 2 pay attention to or didn't need to worry about,  
11:57:56 3 except in a very narrow sense I needed to worry  
11:57:59 4 about it, but at some level not have to worry about  
11:58:02 5 it too much. I know that's not a very clear answer.  
11:58:05 6 But there were some aspects of it not to worry  
11:58:07 7 about, except in a narrow sense and then other  
11:58:09 8 aspects to pay more attention to.  
11:58:11 9 Q. Is it accurate that in your professional  
11:58:13 10 experience you had substantially familiarity with  
11:58:15 11 network related devices prior to 1984?  
11:58:24 12 A. Yes, I did.  
11:58:26 13 Q. Was that experience helpful in determining  
11:58:29 14 how to analyze these two products in this matter  
11:58:33 15 that we're discussing?  
11:58:37 16 A. Yeah. Yes, I applied my experience to  
11:58:40 17 those, to that effort.  
11:58:44 18 Q. In the MathWorks case, you didn't have  
11:58:46 19 prior experience with the MathWorks software; is  
11:58:48 20 that correct?  
11:58:52 21 A. To the extent that I did, it was -- it  
11:58:58 22 was -- it was not serious experience with it. It  
11:59:01 23 was just tangential, having used it perhaps in a --  
11:59:06 24 or fiddled with it, but I don't remember having used  
11:59:08 25 it in any professional sense.

Page 116

11:59:11 1 Q In the MathWorks case, did you have any  
11:59:13 2 discussions with any of the developers at MathWorks  
11:59:15 3 as part of your expert engagement?  
11:59:32 4 A So when you say "developer," just -- I  
11:59:35 5 think I know what you mean, but tell me what --  
11:59:37 6 really what you're referring to  
11:59:38 7 Q Sure The people who generated that 500  
11:59:40 8 to 700 or 800 modules that you referred to earlier  
11:59:43 9 A So I had some experience -- I mean, I had  
11:59:46 10 some conversations with some of the authors of the  
11:59:49 11 software I think that's what you're referring to  
11:59:52 12 Q Sure And how did that assist you in  
11:59:54 13 performing your task as an expert in that matter?  
11:59:57 14 A Well, one of the issues that arose is were  
12:00:03 15 there -- in the analysis regarding protected  
12:00:08 16 expression, was were there alternative ways of  
12:00:14 17 performing a particular function And so one of the  
12:00:20 18 places where the authors of the software assisted me  
12:00:25 19 was in -- actually, it was my request of them, "Can  
12:00:30 20 you do this some other way? Can you give me some  
12:00:33 21 examples of how you can do it another way? What are  
12:00:35 22 the implications of doing it another way?" And so  
12:00:38 23 on So it was part of the protected expression  
12:00:40 24 analysis that was done in the abstraction filtration  
12:00:43 25 comparison general process

Page 117

12:00:47 1 Q. Did you have similar conversations with  
12:00:49 2 the developers of the hardware device that you  
12:00:52 3 described on the IBM side in the IBM matter?  
12:00:57 4 A. No, I did not. I did not.  
12:01:01 5 Q. Was -- were you able to rely on your own  
12:01:04 6 expertise in the area?  
12:01:08 7 A. I did rely on my own expertise. You've  
12:01:14 8 asked me specifically about the developers, and so I  
12:01:18 9 didn't have any conversations with any of the client  
12:01:21 10 developers.  
12:01:22 11 Q. Did you have any conversations with  
12:01:23 12 anybody else from the client?  
12:01:26 13 A. I did. I had some conversation with a  
12:01:32 14 manager of some of the developers. And asking --  
12:01:40 15 and making some inquiries, I did have a discussion  
12:01:42 16 with one of the managers of the developers.  
12:01:44 17 Q. And how did that assist you in your  
12:01:46 18 analysis in that IBM case?  
12:01:54 19 A. I think he was able to provide me some  
12:01:57 20 guidance in understanding with basically time  
12:02:04 21 sequences of when -- or timing with -- related to  
12:02:08 22 the development of the software.  
12:02:11 23 Q. The timing of the development of the  
12:02:12 24 software?  
12:02:12 25 A. No, time issues relate -- or time -- yeah,

Page 118

12:02:15 1 time issues related with the development of the  
12:02:17 2 software.  
12:02:18 3 Q. And just to clarify, is that time issues  
12:02:20 4 in some -- like a firmware timing issue, or time  
12:02:25 5 line of the development history?  
12:02:28 6 A. The latter.  
12:02:30 7 Q. Okay. Did you have any other  
12:02:32 8 conversations with technical resources that we  
12:02:34 9 haven't discussed already in the IBM matter?  
12:02:41 10 A. Well -- did I have any other discussions?  
12:02:46 11 You mean with -- tell me what you mean.  
12:02:48 12 Q. Sure. We talked about a development  
12:02:50 13 manager. Anybody else?  
12:02:52 14 A. I thought you meant did I have any other  
12:02:54 15 discussions with that development manager about  
12:02:56 16 other things, but --  
12:02:56 17 Q. No, no, I meant --  
12:03:01 18 A. Not that I recollect sitting here. I will  
12:03:07 19 say that the manager was also represented to me to  
12:03:11 20 be -- by the attorneys to be someone who was going  
12:03:14 21 to be able to answer some technical questions, but  
12:03:18 22 that -- as oftentimes occurs with management, he  
12:03:20 23 wasn't aware of the answers to those technical  
12:03:22 24 questions. So he wasn't -- but I did -- so that was  
12:03:25 25 why I was asking about other conversations. I did

Page 119

12:03:27 1 talk with him, but as you well know, frequently the  
12:03:30 2 managers don't have much of the details  
12:03:31 3 Q I'm shocked to hear that In the  
12:03:35 4 MathWorks case, did you talk to any other folks  
12:03:37 5 other than the developer conversations that we've  
12:03:40 6 already referenced? Speaking about technical people  
12:03:43 7 and not attorneys  
12:03:48 8 A I did Well, other -- I think other --  
12:03:53 9 again, technical management --  
12:03:55 10 Q Sure  
12:03:55 11 A -- people were present in some of those  
12:03:58 12 conversations  
12:03:58 13 Q Were they supplying you with information?  
12:04:02 14 A But, you know, that's true too One of  
12:04:06 15 them was, if not a technical manager, at least a  
12:04:10 16 subject matter expert with respect to some of the  
12:04:15 17 functions It was in that whole conversation about  
12:04:17 18 alternatives to creating certain functions And so  
12:04:21 19 I remember trying -- or working with some of the  
12:04:24 20 other MathWorks people to identify functions which  
12:04:29 21 would be good candidates  
12:04:31 22 I think maybe they had been identified by  
12:04:34 23 the other side by saying -- maybe them suggesting,  
12:04:36 24 oh, it couldn't be done any other way or something  
12:04:39 25 But I remember going through that with a person who

Page 120

12:04:41 1 had not authored the software, but who was a subject  
12:04:43 2 matter expert in the software and who was an  
12:04:46 3 employee of MathWorks  
12:04:47 4 Q Do you recall whether the conversations  
12:04:48 5 specifically were about the M programming language  
12:04:54 6 components?  
12:04:56 7 A I think they were, yeah I think so I'm  
12:04:59 8 pretty sure they were, yeah My recollection is --  
12:05:01 9 well, let me say it slightly differently I know  
12:05:03 10 that the M programming language components were part  
12:05:07 11 of that conversation What I am unclear on is  
12:05:13 12 whether there were any components that hadn't been  
12:05:15 13 written using the M language  
12:05:17 14 Q Sure  
12:05:17 15 A I just don't remember But I know  
12:05:19 16 certainly there were ones that were using the M  
12:05:21 17 language  
12:05:21 18 Q Did you rely on your own experience with  
12:05:24 19 Java and C or C++ in that case as well to  
12:05:29 20 identify -- for instance, to identify alternative  
12:05:31 21 ways to do things?  
12:05:39 22 A I don't know that I relied on my  
12:05:43 23 experience with C and Java in trying to identify  
12:05:46 24 alternative ways of writing the C and the Java  
12:05:52 25 applications I don't recollect having done that

Page 121

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CERTIFICATE OF REPORTER

I, Natalie Y. Botelho, 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.

The said deposition was taken down in shorthand by me, a disinterested person, at the time and place therein stated, 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: June 17, 2010

  
Natalie Y. Botelho, CSR No. 9897