

EXHIBIT B

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

--oOo--

| | | |
|--------------------------------|---|------------------|
| ORACLE CORPORATION, a |) | |
| Delaware corporation, ORACLE |) | |
| USA, INC., a Colorado |) | |
| corporation, and ORACLE |) | |
| INTERNATIONAL CORPORATION, a |) | |
| California corporation, |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| vs. |) | 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 DONALD REIFER

JUNE 18, 2010

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REPORTED BY: SARAH LUCIA BRANN, CSR 3887 (#427125)

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| 11:38:51 11:38:57 11:38:59 11:39:01 11:39:11 11:39:20 11:39:23 11:39:26 11:39:31 11:39:35 11:39:35 11:39:39 11:39:41 11:39:43 11:39:50 11:39:53 11:39:56 11:40:00 11:40:01 11:40:02 11:40:05 11:40:08 11:40:08 11:40:09 11:40:12 | 11:42:13 11:42:17 11:42:24 11:42:29 11:42:44 11:42:47 11:42:49 11:42:53 11:42:56 11:43:01 11:43:15 11:43:19 11:43:22 11:43:24 11:43:26 11:43:34 11:43:40 11:43:46 11:43:53 11:43:58 11:44:06 11:44:12 11:44:18 11:44:21 11:44:23 11 Q. When did you do your COCOMO II analyses 12 that are contained in your report here? 13 A. Throughout my engagement. 14 Q. Starting when? 15 A. Probably in -- starting in February. I 16 tried to reconstruct Mr. Pinto's analysis and found 17 that when I ran the models the answers were 18 different. And then I started to look for why. And 19 I ran a number of analyses with other versions of 20 COCOMO, and basically ones that we have no longer 21 support at USC, and found that he did run the 1997 22 model, and confirmed his numbers in his runs by 23 running the 1997 version of the model. 24 And then I started looking at what would 25 happen if we ran the 2000 version of the model, |
| Page 87 | Page 89 |
| 11:40:14 11:40:18 11:40:21 11:40:28 11:40:31 11:40:36 11:40:42 11:40:45 11:40:49 11:40:55 11:40:59 11:41:02 11:41:06 11:41:12 11:41:16 11:41:19 11:41:29 11:41:36 11:41:38 11:41:46 11:41:51 11:41:55 11:41:58 11:42:01 11:42:05 | 11:44:26 11:44:31 11:44:35 11:44:40 11:44:43 11:44:45 11:44:48 11:44:48 11:44:50 11:44:55 11:44:58 11:45:04 11:45:07 11:45:10 11:45:12 11:45:15 11:45:20 11:45:23 11:45:27 11:45:29 11:45:31 11:45:36 11:45:39 11:45:43 11:45:44 1 which is the current and supported version, and 2 basically looked at the differences and then looked 3 at his ratings and started doing my analysis. |

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| 12:28:14 12:28:16 12:28:19 12:28:21 12:28:24 12:28:29 12:28:30 12:28:32 12:28:35 12:28:38 12:28:43 12:28:48 12:28:50 12:28:53 12:28:55 12:29:01 12:29:03 12:29:08 12:29:11 12:29:16 12:29:22 12:29:23 12:29:24 12:29:29 12:29:31 | 12:30:36 12:30:36 12:30:38 12:30:39 12:30:42 12:30:59 12:31:00 12:31:04 12:31:05 12:31:06 12:31:07 12:31:09 12:31:09 12:31:11 13:29:23 13:29:24 13:29:29 13:29:30 13:29:32 13:29:35 13:29:38 13:29:41 13:29:41 13:29:47 13:29:50 20 Q. Did you do any analysis on any of the 21 PeopleCode files that Mr. Pinto produced with his 22 report? 23 A. We did not get to doing any of the 24 analysis. 25 Q. Why not? |
| Page 123 | Page 125 |
| 12:29:33 12:29:36 12:29:40 12:29:45 12:29:50 12:29:53 12:29:54 12:29:54 12:29:55 12:29:58 12:30:00 12:30:05 12:30:10 12:30:13 12:30:15 12:30:18 12:30:20 12:30:21 12:30:22 12:30:25 12:30:27 12:30:30 12:30:31 12:30:32 12:30:35 | 13:29:51 13:29:55 13:30:04 13:30:08 13:30:13 13:30:16 13:30:18 13:30:21 13:30:25 13:30:27 13:30:28 13:30:30 13:30:36 13:30:52 13:30:53 13:31:17 13:31:19 13:31:25 13:31:27 13:31:28 13:31:30 13:31:33 13:31:41 13:31:45 13:31:48 1 A. We basically focused on EnterpriseOne, 2 trying to replicate his 7.775 thousand -- his almost 3 8 million lines of code, trying to basically find 4 them, and we just ran out of time. We did not dig 5 into the PeopleCode. We were unsuccessful, as you 6 remember. 7 Q. Right. And that's for the PeopleSoft -- 8 the PeopleCode was produced as text files; correct? 9 MR. BUTLER: Objection to the form. 10 Vague. Ambiguous. 11 THE WITNESS: I don't know. We did not 12 dig into the PeopleCode in any depth. We dug into 13 the EnterpriseOne software. |

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| 13:36:56 | 13:39:58 |
| 13:36:59 | 13:40:00 |
| 13:37:02 | 13:40:06 |
| 13:37:04 | 13:40:10 |
| 13:37:05 | 13:40:15 |
| 13:37:06 | 13:40:19 |
| 13:37:09 | 13:40:21 |
| 13:37:13 | 13:40:23 |
| 13:37:18 | 13:40:28 |
| 13:37:21 | 13:40:31 |
| 13:37:24 | 13:40:34 |
| 13:37:30 | 13:40:39 |
| 13:38:00 | 13:40:43 |
| 13:38:06 | 13:40:46 |
| 13:38:12 | 13:40:54 |
| 13:38:15 | 13:40:57 |
| 13:38:18 | 13:41:00 |
| 13:38:21 18 Q. Have you ever developed your own code | 13:41:04 |
| 13:38:25 19 counters from scratch before? | 13:41:08 |
| 13:38:27 20 A. Personally? | 13:41:10 |
| 13:38:28 21 Q. Personally. | 13:41:12 |
| 13:38:28 22 A. I have led teams that have developed them, | 13:41:15 |
| 13:38:30 23 but I have not personally written the code for | 13:41:21 |
| 13:38:33 24 those. | 13:41:23 |
| 13:38:36 | 13:41:25 |
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| 13:38:41 | 13:41:29 |
| 13:38:43 | 13:41:32 |
| 13:38:47 | 13:41:36 |
| 13:38:50 | 13:41:39 |
| 13:38:55 | 13:41:42 |
| 13:39:02 | 13:41:49 |
| 13:39:10 | 13:41:51 |
| 13:39:11 | 13:41:55 |
| 13:39:16 | 13:41:58 |
| 13:39:21 | 13:41:59 |
| 13:39:23 | 13:42:02 |
| 13:39:23 | 13:42:03 |
| 13:39:24 | 13:42:05 |
| 13:39:24 | 13:42:07 |
| 13:39:26 | 13:42:12 |
| 13:39:27 | 13:42:14 |
| 13:39:29 | 13:42:15 |
| 13:39:29 | 13:42:20 |
| 13:39:31 | 13:42:24 |
| 13:39:34 | 13:42:27 |
| 13:39:37 | 13:42:30 |
| 13:39:39 | 13:42:34 |
| 13:39:44 | 13:42:37 |
| 13:39:46 | 13:42:41 |
| 13:39:51 | 13:42:45 |

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| 13:42:49 13:42:52 13:42:54 13:43:01 13:43:02 13:43:02 13:43:04 13:43:06 13:43:11 13:43:14 13:43:14 13:43:14 13:43:15 13:43:17 13:43:18 13:43:20 13:43:21 13:43:22 13:43:23 13:43:25 13:43:28 13:43:32 13:43:37 13:43:42 13:43:48 | 13:45:00 13:45:02 13:45:05 13:45:08 13:45:13 13:45:16 13:45:18 13:45:21 13:45:22 13:45:26 13:45:29 13:45:29 13:45:31 13:45:32 13:45:34 13:45:38 13:45:40 13:45:44 13:45:47 13:45:48 13:45:52 13:45:55 13:45:57 13:46:01 13:46:02 16 Q. In your report do you identify 17 alternatively commercially available code counters 18 for each of the languages in JDEdwards and 19 PeopleSoft code? 20 A. No, we do not. 21 Q. Did you only look at Mr. Pinto's code 22 counters for certain languages? 23 A. Could you elaborate, please? 24 Q. Which specific code counters of 25 Mr. Pinto's did you review and replicate? |
| Page 135 | Page 137 |
| 13:43:50 13:43:53 13:43:57 13:44:01 13:44:03 13:44:07 13:44:09 13:44:14 13:44:19 13:44:24 13:44:25 13:44:26 13:44:26 13:44:31 13:44:34 13:44:38 13:44:40 13:44:44 13:44:45 13:44:47 13:44:49 13:44:51 13:44:52 13:44:55 13:45:00 | 13:46:13 13:46:17 13:46:21 13:46:26 13:46:29 13:46:30 13:46:36 13:46:37 13:46:45 13:46:48 13:46:49 13:46:52 13:46:53 13:46:56 13:46:59 13:47:05 13:47:16 13:47:17 13:47:20 13:47:23 13:47:24 13:47:25 13:47:38 13:47:41 13:47:45 1 A. We replicated the C++ language counter and 2 we replicated the Java counter, and we made an 3 attempt to do an SQL counter and bring in a COBOL 4 counter, but because of time we gave up on those 5 efforts. 6 Q. When did you start your attempts to create 7 these counters? 8 A. Mr. Tan was my assistant, was brought on 9 in mid-February. And as you saw, my report was due 10 on the 26th of March. 11 Q. And this is Tom Tan? 12 A. Yes, sir. 13 Q. This is the same person we were talking 14 about before; correct? 15 A. Tom Tan, yes, sir. 16 Q. Did Tom run all of the code counter -- 17 strike that. 18 Did Tom Tan do all of the runs using the 19 code counters for your report? 20 MR. BUTLER: Objection to the form. 21 Vague. Ambiguous. 22 THE WITNESS: Yes. 23 MR. ALINDER: Q. Do all the code counters 24 for -- that you looked at relate to the JDEdwards 25 products? |

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|----------|----|-----------------------------------------------------|----------|
| 13:47:50 | 1 | A. There's -- they relate to more than the | 13:51:08 |
| 13:47:54 | 2 | JDEdwards products, but we didn't have time to do | 13:51:12 |
| 13:47:58 | 3 | more. | 13:51:17 |
| 13:48:00 | 4 | Q. Do you believe that they relate to | 13:51:21 |
| 13:48:02 | 5 | PeopleSoft products in some way, too? | 13:51:27 |
| 13:48:06 | 6 | A. Well, I didn't dig into PeopleSoft. We | 13:51:30 |
| 13:48:08 | 7 | looked at World. We saw that World was supposed to | 13:51:47 |
| 13:48:13 | 8 | be in COBOL. We saw that in PeopleSoft there was | 13:51:52 |
| 13:48:17 | 9 | SQL. So, we looked. We just had a month, didn't | 13:51:56 |
| 13:48:26 | 10 | have enough time. | 13:52:07 |
| 13:48:33 | 11 | Q. What is Tom Tan's background? | 13:52:09 |
| 13:48:36 | 12 | A. He is a PhD candidate at USC. He has been | 13:52:15 |
| 13:48:40 | 13 | in the program with a bachelor's degree in 2002 in | 13:52:17 |
| 13:48:46 | 14 | computer science, and he has been in the PhD and | 13:52:18 |
| 13:48:52 | 15 | master's program since then, with an expected | 13:52:27 |
| 13:48:54 | 16 | graduation date of this year. He has industrial | 13:52:33 |
| 13:48:58 | 17 | experience summers and part time, working as a | 13:52:39 |
| 13:49:03 | 18 | programmer. He is a member of the COCOMO team. He | 13:52:40 |
| 13:49:06 | 19 | is one of the people who help write the code | 13:52:43 |
| 13:49:10 | 20 | counters. | 13:52:46 |
| 13:49:11 | 21 | Q. By write the code counters, you mean the | 13:52:49 |
| 13:49:13 | 22 | replicas of Mr. Pinto's. | 13:52:50 |
| 13:49:17 | 23 | A. No, I am talking about UCC. I am talking | 13:52:51 |
| 13:49:19 | 24 | about the USC code counters. He is part of the code | 13:52:55 |
| 13:49:23 | 25 | counting project as well as the COCOMO project, | 13:52:57 |
| Page 139 | | Page 141 | |
| 13:49:27 | 1 | where he is defending his PhD. | 13:53:00 |
| 13:49:29 | | | 13:53:05 |
| 13:49:34 | | | 13:53:08 |
| 13:49:38 | | | 13:53:12 |
| 13:50:05 | | | 13:53:20 |
| 13:50:07 | | | 13:53:21 |
| 13:50:11 | | | 13:53:23 |
| 13:50:14 | | | 13:53:25 |
| 13:50:15 | | | 13:53:30 |
| 13:50:18 | | | 13:53:35 |
| 13:50:18 | | | 13:53:39 |
| 13:50:18 | | | 13:53:40 |
| 13:50:19 | | | 13:53:45 |
| 13:50:22 | | | 13:53:49 |
| 13:50:25 | | | 13:53:52 |
| 13:50:27 | | | 13:53:57 |
| 13:50:30 | | | 13:54:00 |
| 13:50:34 | | | 13:54:04 |
| 13:50:35 | | | 13:54:08 |
| 13:50:38 | | | 13:54:11 |
| 13:50:40 | | | 13:54:15 |
| 13:50:43 | | | 13:54:18 |
| 13:50:50 | | | 13:54:25 |
| 13:50:57 | | | 13:54:31 |
| 13:51:05 | | | 13:54:34 |

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| 14:04:43 | | 14:07:48 |
| 14:04:46 | | 14:07:50 |
| 14:04:48 | | 14:07:51 |
| 14:04:52 | | 14:07:52 |
| 14:04:56 | | 14:07:54 |
| 14:05:03 | | 14:07:59 |
| 14:05:07 | | 14:08:01 |
| 14:05:16 | | 14:08:03 |
| 14:05:20 | | 14:08:07 |
| 14:05:23 | | 14:08:10 |
| 14:05:27 | | 14:08:10 |
| 14:05:33 | | 14:08:11 |
| 14:05:44 | 13 Q. Isn't it true that open source code like | 14:08:12 |
| 14:05:47 | 14 FlightGear can be structurally different than | 14:08:15 |
| 14:05:50 | 15 proprietary code? | 14:08:18 |
| 14:05:52 | 16 MR. BUTLER: Objection. Vague. | 14:08:26 |
| 14:05:52 | 17 Ambiguous. | 14:08:29 |
| 14:05:53 | 18 THE WITNESS: I think that has no -- it's | 14:08:37 |
| 14:05:56 | 19 not relevant. We were just running an experiment to | 14:08:44 |
| 14:06:00 | 20 see the difference. And then what we said, based on | 14:08:48 |
| 14:06:03 | 21 the difference, let's look at the actual code. So | 14:09:03 |
| 14:06:06 | 22 the experiment was not germane to anything in my | 14:09:07 |
| 14:06:10 | 23 report. It just was -- we were running an | 14:09:09 |
| 14:06:14 | 24 experiment to see if we should go any further. | 14:09:12 |
| 14:06:18 | | 14:09:18 |
| Page 151 | | Page 153 |
| 14:06:22 | | 14:09:21 |
| 14:06:24 | | 14:09:25 |
| 14:06:26 | | 14:09:28 |
| 14:06:27 | | 14:09:31 |
| 14:06:29 | | 14:09:37 |
| 14:06:31 | | 14:09:39 |
| 14:06:38 | | 14:09:53 |
| 14:06:43 | | 14:09:53 |
| 14:06:46 | | 14:09:57 |
| 14:06:50 | | 14:10:00 |
| 14:06:54 | | 14:10:00 |
| 14:06:55 | | 14:10:05 |
| 14:06:59 | | 14:10:09 |
| 14:07:04 | | 14:10:13 |
| 14:07:07 | | 14:10:15 |
| 14:07:10 | | 14:10:17 |
| 14:07:13 | | 14:10:18 |
| 14:07:17 | | 14:10:21 |
| 14:07:21 | | 14:10:24 |
| 14:07:36 | | 14:10:28 |
| 14:07:37 | | 14:10:33 |
| 14:07:41 | | 14:10:39 |
| 14:07:42 | | 14:10:42 |
| 14:07:45 | | 14:10:56 |
| 14:07:48 | | 14:10:59 |

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| 14:16:39 | | 14:19:30 | |
| 14:16:40 | 2 Q. Right. And you never asked anyone for | 14:19:38 | |
| 14:16:42 | 3 help to get -- in executing them; correct? | 14:19:43 | |
| 14:16:46 | 4 A. If a PhD student and a 40-year veteran | 14:19:47 | |
| 14:16:50 | 5 can't get them to work in a period of two weeks, | 14:19:51 | |
| 14:16:53 | 6 it's going to take more than two weeks to get them | 14:19:51 | |
| 14:16:56 | 7 to work. So the answer is no, we have not asked for | 14:19:56 | |
| 14:17:00 | 8 help. | 14:20:00 | |
| 14:17:00 | 9 Q. You didn't even make a phone call to ask | 14:20:05 | |
| 14:17:04 | 10 for assistance in that. | 14:20:10 | |
| 14:17:08 | 11 A. Can I-- | 14:20:15 | |
| 14:17:09 | 12 MR. BUTLER: Well, you remember my caution | 14:20:19 | |
| 14:17:11 | 13 before. Does it involve communications with us? | 14:20:23 | |
| 14:17:14 | 14 THE WITNESS: Yes, it does. | 14:20:25 | |
| 14:17:16 | 15 MR. BUTLER: Then did you talk to -- then | 14:20:26 | |
| 14:17:18 | 16 exclude that from your answer. | 14:20:28 | |
| 14:17:20 | 17 THE WITNESS: Then I -- I -- we will have | 14:20:31 | |
| 14:17:30 | 18 to leave it at that. That's the best -- I cannot | 14:20:36 | |
| 14:17:33 | 19 answer. | 14:20:43 | |
| 14:17:34 | 20 MR. ALINDER: Q. Other than discussions | 14:20:48 | |
| 14:17:35 | 21 with attorneys, you didn't ask anyone else for help; | 14:20:50 | |
| 14:17:37 | 22 correct? | 14:20:51 | |
| 14:17:39 | 23 A. Other than discussions with attorneys. | 14:20:53 | |
| 14:17:50 | | 14:20:55 | |
| 14:17:52 | | 14:21:02 | |
| Page 159 | | Page 161 | |
| 14:17:54 | | 14:21:04 | |
| 14:17:56 | | 14:21:11 | |
| 14:18:00 | | 14:21:17 | |
| 14:18:03 | | 14:21:22 | |
| 14:18:07 | | 14:21:25 | |
| 14:18:24 | | 14:21:32 | |
| 14:18:27 | | 14:21:37 | |
| 14:18:29 | | 14:21:41 | |
| 14:18:31 | | 14:21:48 | |
| 14:18:36 | | 14:21:51 | |
| 14:18:37 | | 14:21:55 | |
| 14:18:42 | | 14:21:59 | |
| 14:18:50 | | 14:22:03 | |
| 14:18:53 | | 14:22:06 | |
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| 14:18:56 | | 14:22:12 | |
| 14:19:00 | | 14:22:14 | |
| 14:19:02 | | 14:22:15 | |
| 14:19:05 | | 14:22:17 | |
| 14:19:09 | | 14:22:18 | |
| 14:19:12 | | 14:22:24 | |
| 14:19:15 | | 14:22:26 | |
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| 14:19:22 | | 14:22:31 | |
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| 14:34:14 14:34:16 14:34:18 14:34:19 14:34:22 14:34:25 14:34:27 14:34:30 14:34:31 14:34:32 14:34:34 14:34:35 14:34:36 14:34:38 14:34:40 14:34:42 14:34:43 14:34:44 14:34:46 14:34:49 14:34:52 14:34:55 14:34:59 14:35:06 14:35:09 | 14:53:39 14:53:40 14:53:42 14:53:45 14:53:50 14:53:55 14:53:56 14:53:58 14:54:06 14:54:14 14:54:19 14:54:23 14:54:24 14:54:25 14:54:29 14:54:34 14:54:37 14:54:39 14:54:47 14:54:50 14:54:58 14:55:03 14:55:23 14:55:30 14:55:35 |
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| 14:35:13 14:35:18 14:35:21 14:35:22 14:35:26 14:35:29 14:35:30 14:35:33 14:35:34 14:52:54 14:52:55 14:52:59 14:53:02 14:53:05 14:53:07 14:53:12 14:53:14 14:53:15 14:53:18 14:53:22 14:53:23 14:53:25 14:53:27 14:53:30 14:53:34 | 14:55:42 14:55:46 14:55:50 14:55:53 14:56:01 14:56:01 14:56:04 14:56:06 14:56:10 14:56:13 14:56:13 14:56:18 14:56:20 14:56:24 14:56:25 14:56:29 14:56:30 14:56:37 14:56:41 14:56:47 14:56:48 14:56:49 14:56:51 14:56:53 14:56:58 |
| | 24 Q. Earlier you stated that you pulled some 25 code from what you called the Pinto disks and other |

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|----------|---------------------------------------------------------|----------|
| 14:57:00 | 1 code from the Oracle disks. Do you recall that? | 15:00:04 |
| 14:57:03 | 2 A. Yes, I do. | 15:00:05 |
| 14:57:04 | 3 Q. What did you mean by the Pinto disks? | 15:00:07 |
| 14:57:09 | 4 A. There is a Pinto disk that has all the | 15:00:11 |
| 14:57:12 | 5 pins on it; correct? As well as the expert report | 15:00:25 |
| 14:57:19 | 6 or -- the disk that was supplied to us had the Pinto | 15:00:31 |
| 14:57:24 | 7 report and all appendices. | 15:00:34 |
| 14:57:28 | 8 Q. So you believe there was code provided in | 15:00:36 |
| 14:57:31 | 9 appendices with -- | 15:00:39 |
| 14:57:34 | 10 A. We were under -- | 15:00:42 |
| 14:57:35 | 11 Q. Excuse me. | 15:00:45 |
| 14:57:36 | 12 A. Yes. | 15:00:47 |
| 14:57:36 | 13 Q. You believe that there was code provided | 15:00:50 |
| 14:57:38 | 14 in an appendix with the Pinto report? | 15:00:55 |
| 14:57:41 | 15 A. Yes, we did, at first. | 15:00:59 |
| 14:57:44 | 16 And then -- at first we did, and we | 15:01:05 |
| 14:57:49 | 17 searched for it. And what we found was access | 15:01:09 |
| 14:57:52 | 18 database containing spreadsheets pointing to text | 15:01:12 |
| 14:57:59 | 19 and five routines. And at that time we thought | 15:01:14 |
| 14:58:03 | 20 those five routines were Oracle routines. | 15:01:23 |
| 14:58:09 | 21 We were under the impression that we would | 15:01:26 |
| 14:58:12 | 22 be provided all the code, and all we would have to | 15:01:29 |
| 14:58:15 | 23 do was run our counters to verify his counts. | 15:01:31 |
| 14:58:19 | 24 Common practice in our -- in doing an independent -- | 15:01:35 |
| 14:58:25 | 25 my job was not to come up with an estimate. My job | 15:01:40 |
| Page 175 | | Page 177 |
| 14:58:29 | 1 was to verify Mr. Pinto's estimates. | 15:01:43 |
| 14:58:32 | 2 When I do that as common practice, it | 15:01:49 |
| 14:58:35 | 3 typically takes a week to two weeks to do that job, | 15:01:52 |
| 14:58:39 | 4 look at the estimates and look at its realism, | 15:01:56 |
| 14:58:43 | 5 accuracy, currency. | 15:02:01 |
| 14:58:48 | 6 In this case we had barriers in our way | 15:02:04 |
| 14:58:56 | 7 that made it almost impossible to get it done within | 15:02:08 |
| 14:59:00 | 8 six weeks. You know, we were told we had all the | 15:02:11 |
| 14:59:04 | 9 source code. We were not supplied source code in | 15:02:13 |
| 14:59:09 | 10 ReadMe files. We were not told where the source | 15:02:15 |
| 14:59:12 | 11 code was. We were not given intermediate results | 15:02:21 |
| 14:59:15 | 12 from India, where the source code was extracted and | 15:02:25 |
| 14:59:19 | 13 manipulated, as we understand from Mr. Pinto's | 15:02:27 |
| 14:59:22 | 14 deposition testimony, and then destroyed. We didn't | 15:02:28 |
| 14:59:25 | 15 know that. We thought it would be a simple job. | 15:02:30 |
| 14:59:32 | 16 There was very little code in that Pinto CD. But | 15:02:38 |
| 14:59:36 | 17 what was there was five routines, so we used those | 15:02:39 |
| 14:59:42 | 18 as we attempted to unravel the product CDs. | 15:02:42 |
| 14:59:46 | | 15:02:44 |
| 14:59:50 | | 15:02:47 |
| 14:59:54 | | 15:02:54 |
| 14:59:56 | | 15:02:57 |
| 14:59:58 | | 15:03:00 |
| 15:00:00 | | 15:03:02 |
| 15:00:01 | | 15:03:04 |

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1 CERTIFICATE OF REPORTER

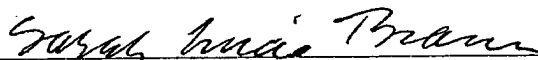
2 I, SARAH LUCIA BRANN, a Certified
3 Shorthand Reporter, hereby certify that the witness
4 in the foregoing deposition was by me duly sworn to
5 tell the truth, the whole truth, and nothing but the
6 truth in the within-entitled cause;

7 That said deposition was taken in
8 shorthand by me, a disinterested person, at the time
9 and place therein stated, and that the testimony of
10 the said witness was thereafter reduced to
11 typewriting, by computer, under my direction and
12 supervision;

13 That before completion of the deposition,
14 review of the transcript [X] was [] was not
15 requested. If requested, any changes made by the
16 deponent (and provided to the reporter) during the
17 period allowed are appended hereto.

18 I further certify that I am not of counsel
19 or attorney for either or any of the parties to the
20 said deposition, nor in any way interested in the
21 event of this cause, and that I am not related to
22 any of the parties thereto.

23 DATED: June 25, 2010

24 

25 SARAH LUCIA BRANN, CSR No. 3887