

# 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-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 DAVID GARMUS

June 4, 2010

Reported by:  
Natalie Y. Botelho  
CSR No. 9897

<p style="text-align: right;">Page 118</p> <p>12:26:58 12:27:03 12:27:05 12:27:07 12:27:12 12:27:14 12:27:18 12:27:22 12:27:23 12:27:25 12:27:27 12:27:31 12:27:34 12:27:40 12:27:46 12:27:49 12:27:52 12:28:00 12:28:05 12:28:08 12:28:11 12:28:13 12:28:16 12:28:19</p>	<p style="text-align: right;">Page 120</p> <p>12:29:36 12:29:41 12:29:44 12:29:47 12:29:51 12:29:53 12:29:56 12:30:01 12:30:06 12:30:12 12:30:23 12:30:25 12:30:26 12:30:30 12:30:33 12:30:36 12:30:39 12:30:41 12:30:45 12:30:49 12:30:52 12:30:54 12:30:58 12:31:01</p>
<p style="text-align: right;">Page 119</p> <p>12:28:25 12:28:29 2 Q. So your assumption is that TomorrowNow is 12:28:31 3 advertising support that they couldn't provide to? 12:28:32 4 MR. BUTLER: Objection to the form, 12:28:36 5 outside the scope of Mr. Garmus's expertise, vague 12:28:37 6 and ambiguous. 12:28:38 7 THE WITNESS: I have seen none of 12:28:43 8 TomorrowNow's advertising. Let me emphasize that. 12:28:46 9 I haven't seen any advertising by TomorrowNow as to 12:28:49 10 what they could do or couldn't do, so it's a little 12:28:52 11 hard for me to make an assumption based upon that. 12:28:55 12 I do know that as a development manager of CACI, 12:29:00 13 when we advertised what we could and we couldn't do, 12:29:03 14 we advertised that we could do practically anything, 12:29:06 15 you know, including fly you to the moon, but that 12:29:11 16 doesn't mean that we had a spaceship on hand, right. 12:29:15 12:29:16 12:29:22 12:29:25 12:29:29 12:29:29 12:29:30 12:29:32</p>	<p style="text-align: right;">Page 121</p> <p>12:31:02 12:31:05 12:31:10 12:31:11 12:31:14 12:31:14 12:31:15 12:31:19 12:31:19 12:31:21 12:31:24 12:31:28 12:31:29 12:31:32 12:31:35 12:31:37 12:31:41 12:31:57 12:31:59 12:32:08 12:32:11 12:32:14 12:32:15 12:32:18</p>

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13:53:41		13:57:00
13:53:42		13:57:01
13:53:47		13:57:05
13:53:51		13:57:10
13:53:52		13:57:13
13:53:58		13:57:17
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13:54:01		13:57:20
13:54:05		13:57:22
13:54:06		13:57:24
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13:54:21		13:57:34
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13:54:27		13:57:38
13:54:34		13:57:40
13:54:35		13:57:41
13:54:39		13:57:44
13:54:42	20 Q. You understand it's TomorrowNow's CEO and	13:57:46
13:54:45	21 president, and this states the software he claims	13:57:46
13:54:47	22 they can support, correct?	13:57:50
13:54:48	23 MR. BUTLER: Objection to the form,	13:57:52
13:55:43	24 mischaracterizes the document, vague and ambiguous.	13:57:58
	25 THE WITNESS: I see that that's what that	
Page 139		Page 141
13:55:51	1 page says, yes. I see other things too in the	13:58:03
13:55:56	2 document, like languages.	13:58:07
13:55:57	3 MR. ALINDER: Q. We'll get to that page.	13:58:09
13:56:06	4 My question on this page for now is, Mr. Nelson in	13:58:13
13:56:10	5 this document doesn't limit the modules that were	13:58:14
13:56:13	6 supported for PeopleSoft, JD Edwards, or Siebel	13:58:16
13:56:16	7 Systems software, correct?	13:58:18
13:56:17	8 MR. BUTLER: Objection; lack of	13:58:22
13:56:19	9 foundation, mischaracterizes the document, vague and	13:58:25
13:56:23	10 ambiguous.	13:58:29
13:56:25	11 THE WITNESS: I see that he doesn't limit	13:58:32
13:56:27	12 himself, but on the other hand, I don't believe that	13:58:35
13:56:30	13 Oracle limits themselves in a lot of their	13:58:37
13:56:32	14 advertisement either. Just as like I said earlier,	13:58:40
13:56:36	15 most software companies advertise they can provide	13:58:44
13:56:38	16 support for doing things that they currently don't	13:58:45
13:56:41	17 have the capabilities for.	13:58:46
13:56:42		13:58:47
13:56:44		13:59:00
13:56:45		13:59:00
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