

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
13:53:59		13:57:17
13:54:01		13:57:20
13:54:05		13:57:22
13:54:06		13:57:24
13:54:14		13:57:26
13:54:15		13:57:30
13:54:17		13:57:33
13:54:21		13:57:34
13:54:25		13:57:35
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
13:56:46		13:59:01
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13:56:52		13:59:05
13:56:55		13:59:08

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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 8, 2010

Natalie Y. Botelho
Natalie Y. Botelho, CSR No. 9897