

## JONES DAY

1755 EMBARCADERO ROAD • PALO ALTO, CALIFORNIA 94303  
TELEPHONE: (650) 739-3939 • FACSIMILE: (650) 739-3900

Direct Number: (650) 687-4139  
anphan@jonesday.com

July 30, 2010

**VIA UPS OVERNIGHT**

Joseph Vallette  
Merrill Legal Solutions  
135 Main Street, 4<sup>th</sup> Floor  
San Francisco, CA 94105

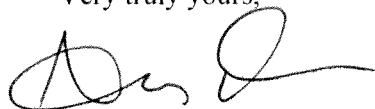
Re: Oracle Corporation et al. v. SAP AG et al.  
U.S. District Court, Northern District of California; Case No. 07-CV-1658

Dear Joe:

Enclosed please find the original executed signature and errata pages to the deposition transcript of Brian Sommer taken on June 25, 2010.

If you have any questions, please do not hesitate to contact me.

Very truly yours,



Anthony Phan  
IP Litigation Project Assistant

Enclosures

cc: Geoff Howard, Esq. (via email and US mail)  
Bree Hann, Esq. (via email and US mail)  
Zachary J. Alinder, Esq. (via email and US mail)  
Jason McDonell, Esq.  
Josh Fuchs, Esq.

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18:53:02 1 THE VIDEO OPERATOR: Going off the record,  
18:53:03 2 the time now is 6:52. This also will be the  
18:53:07 3 conclusion of Tape 5.

18:53:09 4 (Time noted, 6:52 p.m.)

18:53:09 5 --o0o--

18:53:09 6 I declare under penalty of perjury that  
18:53:09 7 the foregoing is true and correct. Subscribed at

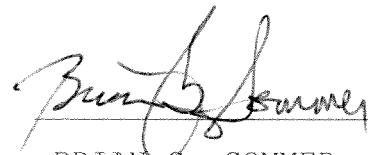
18:53:09 8 \_\_\_\_\_, California, this <sup>nd</sup> 22 day of

18:53:09 9 *July*, 2010.

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BRIAN S. SOMMER

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# Merrill Legal Solutions



## INSTRUCTIONS FOR READING/CORRECTING YOUR DEPOSITION

To assist you in making changes and /or corrections to your deposition testimony, please follow the directions below. If additional pages are necessary, please furnish them and attach the pages to the back of the errata sheet.

Please read your transcript carefully. If you find any errors or changes you wish to make, insert the changes and/or corrections on the errata sheet by listing the page and the line number reference and then the change you wish to make and the reason.

Please do not make any changes and /or corrections on the face of the transcript.

Please do NOT change any of the questions.

After completing your review, please sign the last page of the errata sheet, above the designated "Signature" line and return the Errata sheets to Merrill Legal Solutions at 135 Main Street, 4<sup>th</sup> Floor, San Francisco, CA 94105 or fax them to (415) 357.4301.

### Errata sheet

Page Line

\_\_\_\_

Change: see attached

Reason: \_\_\_\_\_

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Change: \_\_\_\_\_

Reason: \_\_\_\_\_

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Change: \_\_\_\_\_

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Page	Time	Original Text	Revised Text	Reason
35	9:45:37	different kind of industry venues.	different kinds of industry venues.	grammar
40	9:51:14	But the part where is says, and	But the part where it says	garbled words
47	10:05:33	Andersen consulting engagements, and I was the	Andersen Consulting engagements, and I was the	capitalization required
50	10:09:27-31	right up till the very end. But the software intelligence one is the	right up till the very end. But the Software Intelligence one is	capitalization required
51	10:10:33	one I held the longest.	the one I held the longest.	garbled words
54	10:28:55	A shared servicing situation involves a	A shared services situation involves a	garbled words
92	11:24:06	Those would be some examples - or could be other	Those would be some examples - there could be other	garbled words
151	12:46:18	happened at CIA before I even called this guy.	happened at CA before I even called this guy.	wrong initials
200	14:47:03	TCL and why that's tough to do.	TCO and why that's tough to do.	wrong initials
217	15:05:09	swear, that that would be a factor in your decision	software, that that would be a factor in your decision	garbled words
230	15:19:17	Outside of what I've slowed on the	Outside of what I've showed on the	garbled words
244	15:59:46	customer-by-customer analysis, so can't answer what	customer-by-customer analysis, so I can't answer what	dropped word
259	16:18:48	A, the customer was already in the market for new	the customer was already in the market for new	superfluous letter
264	16:24:38	Enfour and others that have made a number of	Infor and others that have made a number of	misspelling
275	16:39:17	If I were any ERP vendor,	If I were an ERP vendor,	garbled words
278	16:41:58	maintenance, on there's an incremental license fee	maintenance, or there's an incremental license fee	misspelling
297	17:43:18	can to get it resolved, and that'll try and get it	can to get it resolved, and they'll try and get it	garbled words
317	18:07:27	material to to that decision and may not be an	material to that decision and may not be an	repeated word
343	18:34:14	Vertex, Avirax, Taxware , those.	Vertex, Sabrix, Taxware, those.	misspelling
358	18:52:13	and they were offered an outsourced, process	and they offered an outsourced, process	garbled words
		So SAP was right that low-cost supported	So SAP was right that low-cost support	garbled words

Page Line

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*Brian Sommer*

Subject to the above changes, I certify that the transcript is true and correct.

\_\_\_\_\_ No changes have been made. I certify that the transcript is true and correct.

*Brian Sommer*  
\_\_\_\_\_  
(signature)

*7/22/2018*  
\_\_\_\_\_  
(date)