

EXHIBIT 15

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

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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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VIDEOTAPED RULE 30(b)(6) DEPOSITION OF

ORACLE CORPORATION

Designee: RICHARD CUMMINS

Tuesday, September 16, 2008

Volume I, Pages 1 - 255

HIGHLY CONFIDENTIAL INFORMATION - ATTORNEYS' EYES ONLY

Reported By: WENDY E. ARLEN, CSR #4355, CRR, RMR
Job 412495

TEXT REMOVED - NOT RELEVANT TO MOTION

15:57 4 Q. Have you done any kind of reports based on
5 the report that say here are the customers we've lost
6 and here's why?
7 A. Yes.
8 Q. And what kind of -- and that's included in
15:57 9 some other report.
10 A. That was -- that's included in the updates
11 that I indicated earlier we give to Juergen Rottler.
12 Q. Those are the quarterly updates?
13 A. Yes.
15:57 14 Q. And what -- those documents are entitled
15 what? Do they have a specific title?
16 A. I provide a couple of slides into the kind of
17 an overall deck that goes to Juergen. So I don't
18 know the title of that.
15:58 19 Q. How do you convey them to Juergen, by e-mail?
20 A. Through Yamilet Torres. She e-mails that for
21 Juan's group.
22 Q. So you send them to her?
23 A. Yes.
15:58 24 Q. By e-mail?
25 A. Yes.

1 Q. And do you have a practice of routinely
2 listing all the customers lost to TomorrowNow?

3 MS. HOUSE: Objection, vague.

15:58

4 THE WITNESS: Yeah. It's -- it depends on
5 what Juergen really wanted to see and what was
6 pertinent that month. If it was overall losses, it
7 was large customers that were lost. So it depended
8 on what the focus was for a given month or a given
9 quarter.

15:58

10 Q. MR. McDONELL: Have you -- have you done an
11 analysis of -- I mean, a sort of a bottom line
12 analysis of customers lost to TomorrowNow?

13 MS. HOUSE: Objection, vague.

15:58

14 THE WITNESS: We've -- over time there has
15 been several times where we've quantified those
16 customers who have gone to TomorrowNow.

17 Q. MR. McDONELL: And in what form have you done
18 that? Is it a document or part of the at risk report
19 or what?

15:59

20 A. It normally is in the context of these
21 updates we give to Juergen.

22 Q. And those updates also have some information
23 on returning customers.

15:59

24 A. Depending on the quarter, yes, sometimes they
25 do.

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16:03 13 Q. So you were reporting on this for Oracle
14 worldwide.

15 A. We were.

16 Q. And how was the data coming into you
17 worldwide?

16:04 18 A. It was coming in through support sales reps.
19 And so globally a support sales rep, if they came
20 across a customer that was deemed to be at risk, they
21 would submit that information into Beth Shippy.

22 Q. And how would they do that?

23 A. Via e-mail.

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2 Q. Okay.

3 A. I know that I was most reliant on the notes

16:15

4 column.

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1 MR. McDONELL: Counsel, I'm going to then
2 break for the day. See you next week. Thank you,
3 sir.

17:01

4 VIDEOGRAPHER: This marks the end of
5 videotape number four in the deposition of Richard
6 Cummins. Going off the record, the time is 5:02.

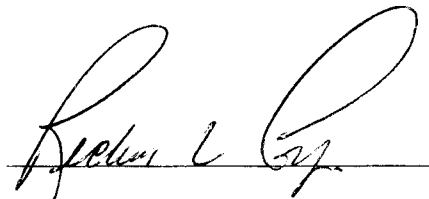
7 --o0o--

8 (Whereupon, the deposition was adjourned at
9 5:02 p.m.)

10 --o0o--

11
12 I declare under penalty of perjury that
13 the foregoing is true and correct. Subscribed at
14 Denver, Colorado, California, this 15th day of
15 October, 2008.

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Signature of Witness

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CERTIFICATE OF REPORTER

I, WENDY E. ARLEN, 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 cause;

That said deposition was taken down in shorthand by me, a disinterested person, at the time and place therein stated, and that the testimony of the 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: October 2nd, 2008

Wendy E Arlen
WENDY E. ARLEN CSR, No. 4355