

EXHIBIT 16

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.) CASE NO. 07-CV-01658 (MJJ)
)
SAP AG, A GERMAN CORPORATION,)
SAP AMERICA, INC., A DELAWARE)
CORPORATION, TOMORROWNOW,)
INC., A TEXAS CORPORATION, AND)
DOES 1-50, INCLUSIVE,)
Defendants.)

"HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY"
ORAL VIDEOTAPED DEPOSITION OF
THOMAS ZIEMEN
September 30, 2008 - Volume 1

ORAL VIDEOTAPED DEPOSITION OF THOMAS ZIEMEN, produced as a witness at the instance of the Plaintiffs and duly sworn, was taken in the above-styled and numbered cause on Tuesday, September 30, 2008 - Volume 1, from 8:45 a.m. to 6:24 p.m., before JAMES M. PLAIR, Certified Shorthand Reporter in and for the State of Texas, reported by computerized stenotype machine at the offices of JONES DAY, 717 Texas, Suite 3300, Houston, Texas 77002-2712, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record or attached hereto.

Job No. 1603-88906

TEXT REMOVED - NOT RELEVANT TO MOTION

10:56 3 Q. Okay. We already covered that, but was the
10:56 4 assumption when you made those projections that the
10:56 5 provider of the service would be TomorrowNow?

10:56 6 MR. COWAN: Objection. Form.

10:56 7 A. In the presentation we left that open.

10:56 8 Q. (MS. HOUSE) But I'm asking you now your
10:56 9 assumption. At that point in time on December 23rd when
10:56 10 you made that PeopleSoft attack plan, was it your
10:56 11 assumption that the entity that would be providing the
10:56 12 service that was being discussed in the PeopleSoft attack
10:56 13 plan, that entity would be TomorrowNow?

10:56 14 MR. COWAN: Objection. Form.

10:57 15 A. But I wasn't asked to -- to make any
10:57 16 assumptions. Here we just were asked to put together a
10:57 17 plan assuming that there will be a -- a maintenance
10:57 18 provider for that.

TEXT REMOVED - NOT RELEVANT TO MOTION

1 STATE OF TEXAS
2 COUNTY OF HARRIS

3 I, JAMES M. PLAIR, a Certified Shorthand Reporter in
4 and for the State of Texas, do hereby certify that this
5 deposition transcript is a true record of the testimony
6 given by the witness named herein, after said witness was
7 duly sworn by me. The witness was requested to review the
8 deposition.

9 I further certify that I am neither attorney nor
10 counsel for, nor related to or employed by, any of the
11 parties to the action in which this deposition is taken;
12 and, further, that I am not a relative or employee of any
13 attorney or counsel employed by the parties hereto or
14 financially interested in the action.

15 I further certify that the amount of time used by
16 each counsel at the time of the deposition is as follows:

17 Ms. Holly House -(08:10:54)

18 Attorney for PLAINTIFFS

19 Mr. Scott W. Cowan -(00:00:00)

20 Attorney for DEFENDANTS

21 GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the
22 7th day of October, A.D., 2008.

23 
24 JAMES M. PLAIR, CSR, RPR

25 Texas CSR 4409

Expiration: 12/31/2009

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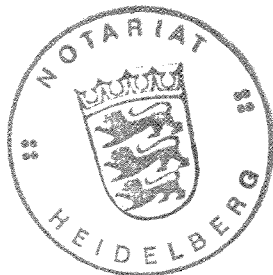
1 I, THOMAS ZIEMEN, have read the foregoing deposition
2 and hereby affix my signature that same is true and
3 correct, except as noted above.

4
5 
6 THOMAS ZIEMEN
7 (BORN 2nd DAY OF AUGUST 1966,
8 RESIDENT AT NEULUSSHEIM/GERMANY)

9 THE STATE OF GERMANY)
10 ~~COUNTY OF _____~~)

11 Before me, M. GAUL, NOTARY PUBLIC, on this day
12 personally appeared THOMAS ZIEMEN, ~~known to me (or~~ ^{proved} ~~proved~~
13 to me ~~under oath or~~ through IDENTITY CARD → (description
14 of identity card or other document) to be the person whose
15 name is subscribed to the foregoing instrument and
16 acknowledged to me that they executed the same for the
17 purposes and consideration therein expressed.

18 Given under my hand and seal of office on this
19 31st day of OCTOBER, 2008.



20 NOTARIAT S HEIDELBERG
21 M. Gaul
22 NOTARY PUBLIC IN AND FOR
23 ~~THE STATE OF _____~~ HEIDELBERG (GERMANY)

24 My Commission expires: NO LIMIT
25

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