

EXHIBIT 19

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

ORACLE CORPORATION, a)	
Delaware corporation,)	
ORACLE USA, INC., a)	
Colorado corporation, and)	
ORACLE INTERNATIONAL)	
CORPORATION, a California)	
corporation,)	
)	
Plaintiffs,)	
)	
vs.)	No. 07-CV-1658 (PJH)
)	
SAP AG, a German)	
corporation, SAP AMERICA,)	
INC., a Delaware)	
corporation, TOMORROWNOW,)	
INC., a Texas corporation,)	
and DOES 1-50, inclusive,)	
)	
Defendants.)	
_____)	

VIDEOTAPED DEPOSITION OF
STEPHEN K. CLARKE

VOLUME 3; PAGES 652 - 969

THURSDAY, JUNE 10, 2010

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

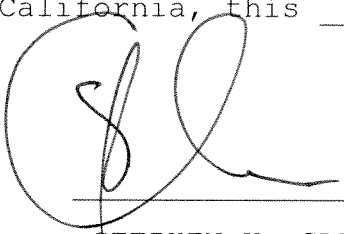
REPORTED BY: HOLLY THUMAN, CSR No. 6834, RMR, CRR

(1-427123)

TEXT REMOVED - NOT RELEVANT TO MOTION

19:09:54 8 Q. But you used an intercept for SAP, which
19:09:56 9 was my question.
19:09:57 10 Why did you use the SAP intercept? That
19:10:00 11 includes billions of dollars as well. Right?
19:10:02 12 MR. McDONELL: Asked and answered. Object
19:10:02 13 to the form of the question.
19:10:05 14 THE WITNESS: The intercept that is in the
19:10:08 15 SAP equation, the A, if you recall, was connected
19:10:12 16 to a log function. It's not separable.
19:10:17 17 And the way that works is, you have this
19:10:21 18 curvilinear line, because we have -- we don't have
19:10:24 19 a linear equation, and the -- although there's an
19:10:30 20 intercept embodied in the calculation, that
19:10:34 21 intercept has no meaning. There is no use in my
19:10:39 22 analysis of an intercept value independent of its
19:10:45 23 role in that log function.

TEXT REMOVED - NOT RELEVANT TO MOTION

19:14:52 1 MR. PICKETT: Let's go back on the record.
19:14:54 2 MR. McDONELL: 30 seconds.
19:14:55 3 MR. PICKETT: Q. Last question: Would
19:14:56 4 Oracle's fixed costs change if there were a 2
19:14:58 5 percent change in the number of support customers?
19:15:01 6 A. I think that's unlikely.
19:15:02 7 MR. PICKETT: Thank you. We're done.
19:15:05 8 THE VIDEO OPERATOR: Very good. Going off
19:15:06 9 the record, the time now is 7:15. This also will
19:15:09 10 be the conclusion of Tape 5, Volume 3, in the
19:15:12 11 deposition of Stephen Clarke.
19:15:14 12 (Time noted, 7:15 p.m.)
19:15:14 13 --o0o--
19:15:14 14 I declare under penalty of perjury that
19:15:14 15 the foregoing is true and correct. Subscribed at
19:15:14 16 _____, California, this ____ day of
19:15:14 17 _____ 2010. 
19:15:14 18 _____
19:15:14 19 _____
19:15:14 20 STEPHEN K. CLARKE
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CERTIFICATE OF REPORTER

I, HOLLY THUMAN, 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 state, 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 21, 2010
Holly Thuman
HOLLY THUMAN, CSR