

EXHIBIT E

RICHARD CUMMINS April 21, 2009
HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

IN THE UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

--oOo--

ORACLE CORPORATION, a)
Delaware corporation, ORACLE)
USA, INC., a Colorado)
corporation, and ORACLE)
INTERNATIONAL CORPORATION, a)
California corporation,)
)
Plaintiffs,)
)
vs.) 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 RICHARD CUMMINS

APRIL 21, 2009

VOLUME I

(Pages 1 - 259)

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REPORTED BY: SARAH LUCIA BRANN, CSR 3887 (#417985)

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16:17:56 1 A. I don't recognize it, but -- I mean, the
16:17:58 2 format looks like an at-risk report. I don't
16:18:01 3 remember this specific entry.
16:18:03 4 Q. Under the format that you described to us
16:18:06 5 previously, Column H, the notes section, was an area
16:18:10 6 where the AE could record notes about the
16:18:15 7 customer's --
16:18:16 8 A. That's correct.
16:18:16 9 Q. -- indication of their reasons and
16:18:17 10 motivations.
16:18:21 11 A. That's correct.
16:18:21 12 Q. And you relied on that for keeping track
16:18:24 13 of customers that were at risk of cancelling
16:18:26 14 support.
16:18:27 15 A. Yes.

TEXT REMOVED - NOT RELEVANT TO MOTION

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16:55:06
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I declare under penalty of perjury the foregoing is true and correct. Subscribed at San Francisco, California, this 4th day of May, 2009.


Richard Cummins

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CERTIFICATE OF REPORTER

I, SARAH LUCIA BRANN, 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: May 4, 2009

Sarah Lucia Brann

SARAH LUCIA BRANN, CSR No. 3887