

EXHIBIT 1-12

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.,)
 Plaintiff,)
vs.) No. CV 10-03561 WHA
GOOGLE, INC.,)
 Defendant.)

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

VIDEOTAPED DEPOSITION OF HASAN RIZVI
THURSDAY, JULY 28, 2011

REPORTED BY:
JANIS JENNINGS, CSR 3942, CLR, CCRR

PAGES 1 - 275

1 further discussions?
2 A. I don't remember the exact words, but the
3 third discussion itself was, like I said, a
4 non discussion. There was nothing really to
5 discuss, so as we left the meeting, there wasn't
6 anything scheduled as a follow up.
7 Q. Did Mr. Rubin say anything at that third
8 meeting to indicate to Oracle that Google was no
9 longer interested in discussing a potential business
10 solution?
11 A. Again, I don't remember the exact words,
12 but the I don't remember the exact words, no.
13 Q. Did Mr. Rubin give any indication, verbal
14 or otherwise, that Google was not interested in
15 continuing the discussions after that third meeting?
16 A. From what I recall, he said this is
17 again, not necessarily his words, but the
18 implication was that this is a non starter, there is
19 really nothing to discuss given the range of the
20 business that we are talking about. That's the
21 that's the recollection I have.
22 Q. Do you mean that he suggested that it was
23 a non starter for Google to compensate Oracle in the
24 range of \$300 to \$500 million?
25 A. That's

Page 170

1 MR. NORTON: Objection to form.
2 You can answer.
3 THE WITNESS: Yeah. That's kind of the
4 way I remember it, yeah.
5 BY MR. PURCELL:
6 Q. Did Mr. Rubin suggest a different range in
7 which Google might be willing to compensate Oracle?
8 A. Not that I remember, no.
9 Q. Did Oracle attempt to make any follow up
10 with Mr. Rubin after the third meeting prior to the
11 filing of this lawsuit?
12 A. I don't know about Oracle, but I didn't.
13 Q. Are you aware of anyone else from Oracle
14 following up with Mr. Rubin about a potential
15 business solution prior to this lawsuit being filed?
16 MR. NORTON: Objection to form.
17 THE WITNESS: With Mr. Rubin, no. I'm
18 not I don't know who it would I don't know if
19 anybody followed up with Mr. Rubin.
20 BY MR. PURCELL:
21 Q. Are you aware from of strike that.
22 Are you aware of anybody at Oracle
23 following up with anybody at Google regarding a
24 potential business solution prior to this lawsuit
25 being filed?

Page 171

1 A. Yes.
2 Q. Who is that?
3 A. That is that privileged?
4 MR. NORTON: Do you mind if we take a
5 short break?
6 MR. PURCELL: Sure.
7 BY MR. PURCELL:
8 Q. I mean, just so it's clear, I'm not asking
9 anything Oracle's lawyers might have told you. But
10 if you learned of the fact of a meeting between
11 Google and Oracle about a certain subject, the fact
12 of the meeting between Google and Oracle isn't
13 privileged.
14 MR. NORTON: I I think he's already
15 answered that question, though. On to another
16 question about the substance of the communication,
17 if there if there was one, so
18 MR. PURCELL: Well, it would be the
19 substance of the communication between Google and
20 Oracle, which isn't privileged. That's all I want
21 to know.
22 MR. NORTON: Again, I just don't think
23 that was the question.
24 MR. PURCELL: Okay. Well, let me ask
25 let me ask the question, then.

Page 172

1 BY MR. PURCELL:
2 Q. Are you aware I think you already said
3 you are aware of communications between Oracle and
4 Google after the third meeting you had with
5 Mr. Rubin about a potential business solution;
6 correct?
7 A. Yes.
8 Q. What what was discussed at that meeting
9 between Oracle and Google?
10 A. I don't know.
11 MR. NORTON: Objection. To the extent
12 that your knowledge of the contents of that
13 meeting to the extent you know that only from
14 communications with attorneys, then I'm going to
15 assert the privilege and ask you not to answer that
16 question.
17 MR. PURCELL: Counsel, I don't want to
18 argue with you in detail, but I just think that
19 instruction is overbroad. If he learns of a
20 nonprivileged fact through a lawyer, that doesn't
21 make the fact privileged. And all I'm trying to ask
22 for is the nonprivileged fact regarding the
23 communications between Google and Oracle.
24 MR. NORTON: Let's take a break and I can
25 see if I can

Page 173