EXHIBIT A

Deposition of **GARY PISANO, PhD**

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Case: SCO v. NOVELL

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1 clients, I think -- well, I don't know if 2 they're --

> They're certainly giving it some degree of credibility. I don't think they would put it before their clients if they didn't think it was credible.

> > (Pause.)

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Q Dr. Pisano, tell me what you know about the methodology for the Yankee Group 2004 10 survey.

It was a survey of companies across a 12 size -- it's actually laid out. I believe 13 it's right in the report itself, a 14 thousand -- a thousand customers -- sorry, a 15 thousand users were contacted.

> They were asked a variety of questions, a thousand organizations that they had -- that they had contacted.

I think this was an online survey. The respondents filled it out online, sort of a random sample.

22 MS. BORUCHOW: Your question is about 23 376, right? Exhibit 376?

> MR. PERNICK: Yes.

25 THE WITNESS: Yes.

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BY MR. PERNICK:
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- Q Is it your understanding looking at page 3
 that a thousand organizations were surveyed?
- 4 (Witness read document.)
- ⁵ A Yes.
- And do you see from the question in

 Exhibit 1, which is the box on page 3, it

 says that midsize or large organizations

 with 5,000-plus employees were asked to
 respond?
- ¹¹ A Right, yes.
- Q And is that in itself sufficient to convince you that this survey was reliable?
- MS. BORUCHOW: Object to form.
- 15 A It appears to be a reliable survey. I have
 16 no reason to doubt it.
- 17 Q Well, aside from having no reason to doubt 18 it, what do you base your conclusion that 19 it's a reliable survey on?
- A Again, this is an organization, Yankee, that does these kind of surveys routinely.
- Companies rely on them for, you know,

 this kind of market research. That's what

 these guys do for -- for a living, and it's

 a large sample.

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Page 214
 1
                   (Pause.)
 2
            It's reliable.
      Α
           You say it's a large sample.
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                   Do you know who responded, how
           many -- who at the various companies,
           anything like that?
            I don't have the details on -- on who
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      Α
           responded.
           I mean, to be clear, we know that a thousand
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           companies were asked, I quess.
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      Α
           Right.
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           We don't know anything about who responded,
      Q
13
            right?
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            I'd have to sort of look at that.
      Α
                                                 I don't
15
            recall offhand if I have the numbers on --
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            on that, if that was reported.
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                   (Pause.)
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           Does it matter?
      Q
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           Response rate? Yes, I mean, the -- the
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            specific -- which specific players respond
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            doesn't matter, you know, Company A or
22
            Company B.
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                   It doesn't -- the individual
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            companies responding doesn't matter, but --
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      Q
           What do you mean?
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A Well, you said does it matter who responded.

So this goes out to a thousand organizations. And think about the companies, you know, 1 through a 1,000, you know, did Company No. 2 on the list respond or Company No. 3 on the list respond?

That doesn't matter for a survey.

Q What -- does it matter --

I mean, you don't know how many responded when you're saying that doesn't matter?

A No, I didn't say that.

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The overall response rate matters. I have -- I can't recall whether they report the response rate.

My presumption would be in a survey like this, in an organization like this, that they're getting certain high enough response rates; otherwise, they wouldn't be --

You know, this is a company, again, whose primary -- they're in the primary business of doing these kind of surveys and, you know, and publishing this kind -- these kind of data.

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You can get actually -- there's

surveys with very low response rates, which,

again, as long as the responses are, you

know, sort of randomly distributed, not

biased in the response, you actually have a

very robust study.

Q And how do you know in this case whether you have those conditions?

(Witness read document.)

10 A I -- I don't know 100 percent for sure.

Again, I'm relying on the fact that Yankee is a well-respected organization that --

You know, they -- they kind of make their -- they make their living really and their credibility in the market matters.

And so I'm going to, you know, believe that they are doing a good job on the -- on the surveys.

We often are forced to do that in research and in my own academic research where I don't have all the details of the surveys and response rates, but you look at the credibility of the -- of the source.

And, again, this is an organization that makes its living by doing response --

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by doing these kind of surveys.
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And so, you know, presumably, they -
they can't be out there, you know,

publishing flawed studies.

5 They couldn't stay in business.

Do you know what checks were employed to
make sure that this survey was done on a
sound basis, what kind of procedural
mechanisms?

10 A I don't have details on that, no.

Do you know generally?

 12 A No.

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I mean, there's a standard -- I mean, again, doing survey research, there's a very standard set of approaches that are -- that are kind of used in terms of, you know, sending it out, getting response rates, tracking.

It's -- it's -- it's not, you know -- making sure you record the responses correctly.

Again, a company like Yankee that does this kind of stuff would be really, I think -- you know, this --

You know, it's like Toyota making

- 1 They know how to make cars. These 2
- guys know how to do surveys.
- You're talking about in general, though? 0 You don't know anything about what Yankee
- did to conduct this survey, right?
- MS. BORUCHOW: Object to form.
- 7 Α I mean, I do.
- They conducted a survey of a thousand -- you know, a thousand 10 organizations, you know, and asked them 11 questions.
- 12 That's what they did for the survey. 13 That's what you do in surveys.
- 14 0 Do you know whether there was anything done 15 to ensure that the respondents that these 16 unknown, unnumbered entities had the 17 authority and knowledge to answer for the 18 companies?
- 19 MS. BORUCHOW: Object to form.
- 20 I'm not sure I follow the question. Α
- 21 Can you --
- 22 0 Well, do you know if there were any checks
- 23 employed to make sure that, okay, we're
- 24 going to send this to Acme Company and we're
- 25 going to make sure that we get a response

- from the person who's the one who should be answering?
- A Again, in organizations like -- they
 routinely administer these surveys. This is
 not the first survey Yankee's done. They
 list a whole bunch of other ones they've

So they have these things, have already kind of been worked out for who's getting them and how they're doing them.

They typically -- you know, there's -- you know, those kind of procedures are in place in organizations like this.

This is not an unknown -- Yankee

Group is an extremely well-regarded,

well-known, you know, information provider

in this space.

- Do you know anything about what procedures, though, they employed here?
- A I don't know the specific procedures, no.
- Q Generally do you know?

done.

- 23 A The, you know, standard survey procedures.
- This was done -- I can't recall -- I was
- looking through this so I could remember the

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specifics of whether it was done online and --
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I -- I don't know the specific -
I mean, what kind of procedures are

you --

⁶ Q I don't know. I'm asking you.

A Again, it's a very standard -- standard kind of survey. Contact these organizations and -- and get responses.

10 Q Assuming there is some kind of standard
11 survey procedure, how do you know it was
12 employed here?

A Again, this -- Yankee Group is a very
well-respected, you know, research
organization. They do these kind of things
all the time. Their data is used widely by
organizations.

It's a little like census data. I mean, you know, people use census data all the time in their research. Do they ask the questions, the details of the census? No. It's an understanding it's done -- done well.

²⁴ Q Did you interview any of the respondents to this survey?

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