

# **EXHIBIT 3-11**

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

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

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Videotaped Personal Capacity deposition of  
EDWARD SCREVEN, taken at Morrison & Foerster, LLP,  
755 Page Mill Road, Palo Alto, California,  
commencing at 9:42 a.m., on Friday, July 29, 2011,  
before Leslie Rockwood, RPR, CSR No. 3462.

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1 general, we are more successful in business than Sun. I  
 2 mean, Sun built some great technologies, but they weren't  
 3 particularly good at bringing them to market and, you  
 4 know, I have every confidence that, you know, Oracle will  
 5 succeed with Sun's assets in a way that Sun never could  
 6 simply because we manage them better. 11:32:29

7 Q. BY MR. WEINGAERTNER: How does Oracle manage  
 8 better than Sun?

9 A. We're very focused on making money, so we're  
 10 very focused on building technology and then selling it 11:32:45  
 11 to our customers and supporting it well, right, while  
 12 making sure our costs are not out of control.

13 Q. Was there a perception that Sun was -- and  
 14 I'm going to use your characterization and please correct  
 15 me if I haven't done it correctly. 11:33:06

16 Was it your perception that Sun was less  
 17 focused on making money than Oracle is focused on making  
 18 money?

19 MR. NORTON: Objection to the form of the  
 20 question. 11:33:17

21 THE WITNESS: Yes.

22 Q. BY MR. WEINGAERTNER: At the time of the  
 23 acquisition, what was the perception as to -- by Oracle,  
 24 as to what Sun was focused on?

25 A. I think Sun had lost their way in terms of 11:33:24

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1 strategy. I mean, they -- while certainly they were  
 2 for-profit company and, you know, sought to sell and  
 3 sought to profit, I think that they, you know, had no  
 4 strategy for how it is that they were going to actually  
 5 add value to their customers beyond, you know, beyond 11:33:44  
 6 what other folks were doing.

7 Now, they did have a very strong focus on  
 8 engineering; right, and they created some very good  
 9 technology assets. But the thing that they didn't really  
 10 have is a way to tie them together and bring them to 11:34:02  
 11 market in the way that would be most appealing to their  
 12 customers.

13 Q. At the time of the acquisition or since then,  
 14 does Oracle have a specific strategy or ability other  
 15 than its general business acumen that you referred to, 11:34:22  
 16 for succeeding in the smartphone market or the mobile  
 17 platform?

18 A. I think Android has basically foreclosed  
 19 that. I don't believe that there is a strategy that we  
 20 could adopt at this point, right, to displace Android 11:34:39  
 21 given that they've sucked all out of the air out of the  
 22 room for Java on smartphones.

23 Q. What do you mean by "sucked out all the air  
 24 out of the room"?

25 A. Well, they are in the market with a clone of 11:34:52

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1 Java, right, they -- they've now shipped on millions and  
 2 millions of handsets; right, and that's going to make it  
 3 difficult for Oracle or anyone else who wants to ship a  
 4 licensed Java implementation for smartphones to succeed.

5 Q. Why hadn't Sun already gotten into that 11:35:13  
 6 market before Google had given that it -- when I say  
 7 "that market," the smartphone market, given it's success  
 8 in the feature phone market?

9 MR. NORTON: Objection to form.

10 THE WITNESS: You have to ask their prior 11:35:27  
 11 management.

12 Q. BY MR. WEINGAERTNER: Well, I guess that will  
 13 happen later today since you'll be speaking on behalf of  
 14 Oracle America.

15 A. Yes -- 11:35:41

16 MR. NORTON: Objection, that's not correct.  
 17 Mr. Screven in the 30(b)(6) portion of his deposition  
 18 will be testifying on behalf of Oracle America, but the  
 19 30(b)(6) notice seeks Oracle's -- we understood and  
 20 understand this was discussed at Nedim's deposition -- 11:36:00  
 21 that it's from the perspective of Oracle, it's the  
 22 acquisition of Sun.

23 So the suggestion that Mr. Screven will be  
 24 testifying as Sun's prior management is not correct.

25 MR. WEINGAERTNER: Okay, and noted that we 11:36:11

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1 have a difference of view on that and we can take it up  
 2 off the record.

3 MR. NORTON: But just we can have a  
 4 difference of view, but we're the ones putting up the  
 5 witness, and so he will not be testifying as Sun's former 11:36:21  
 6 management and the suggestion otherwise is incorrect.

7 MR. WEINGAERTNER: Okay. We disagree. I  
 8 won't ask any further questions, but my understanding is  
 9 the witness isn't prepared on those and that's -- I  
 10 understand why now. 11:36:34

11 Just to follow up on Mr. Screven's answer,  
 12 when you refer to prior management, would that be someone  
 13 like Mr. Schwartz, Mr. Jonathan Schwartz?

14 THE WITNESS: Yes, yes.

15 MR. WEINGAERTNER: I'd like to provide the 11:37:42  
 16 witness with a copy of a document which has previously  
 17 been marked in this case as Exhibit 60, which is a letter  
 18 to Mr. Schwartz, Jonathan Schwartz, then chief executive  
 19 officer and president of Sun although the address doesn't  
 20 indicate that on this document. 11:38:04

21 THE WITNESS: Uh-huh.

22 Q. BY MR. WEINGAERTNER: And I would ask the  
 23 witness to take a moment to look at the document.

24 A. Yes.

25 Q. Is it a document that you recognize, 11:38:12