

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 --

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

7 (Pause.)

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

11 A 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.

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

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

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

24 MR. PERNICK: Yes.

25 THE WITNESS: Yes.

1 BY MR. PERNICK:

2 Q Is it your understanding looking at page 3
3 that a thousand organizations were surveyed?

4 (Witness read document.)

5 A Yes.

6 Q And do you see from the question in
7 Exhibit 1, which is the box on page 3, it
8 says that midsize or large organizations
9 with 5,000-plus employees were asked to
10 respond?

11 A Right, yes.

12 Q And is that in itself sufficient to convince
13 you that this survey was reliable?

14 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?

20 A Again, this is an organization, Yankee, that
21 does these kind of surveys routinely.

22 Companies rely on them for, you know,
23 this kind of market research. That's what
24 these guys do for -- for a living, and it's
25 a large sample.

1 (Pause.)

2 A It's reliable.

3 Q You say it's a large sample.

4 Do you know who responded, how
5 many -- who at the various companies,
6 anything like that?

7 A I don't have the details on -- on who
8 responded.

9 Q I mean, to be clear, we know that a thousand
10 companies were asked, I guess.

11 A Right.

12 Q We don't know anything about who responded,
13 right?

14 A I'd have to sort of look at that. I don't
15 recall offhand if I have the numbers on --
16 on that, if that was reported.

17 (Pause.)

18 Q Does it matter?

19 A Response rate? Yes, I mean, the -- the
20 specific -- which specific players respond
21 doesn't matter, you know, Company A or
22 Company B.

23 It doesn't -- the individual
24 companies responding doesn't matter, but --

25 Q What do you mean?

1 A Well, you said does it matter who responded.

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

7 That doesn't matter for a survey.

8 Q What -- does it matter --

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

12 A No, I didn't say that.

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

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

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

1 You can get actually -- there's
2 surveys with very low response rates, which,
3 again, as long as the responses are, you
4 know, sort of randomly distributed, not
5 biased in the response, you actually have a
6 very robust study.

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

9 (Witness read document.)

10 A I -- I don't know 100 percent for sure.
11 Again, I'm relying on the fact that Yankee
12 is a well-respected organization that --

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

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

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

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

1 by doing these kind of surveys.

2 And so, you know, presumably, they --
3 they can't be out there, you know,
4 publishing flawed studies.

5 They couldn't stay in business.

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

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

11 Q Do you know generally?

12 A No.

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

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

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

25 You know, it's like Toyota making

1 cars. They know how to make cars. These
2 guys know how to do surveys.

3 Q You're talking about in general, though?
4 You don't know anything about what Yankee
5 did to conduct this survey, right?

6 MS. BORUCHOW: Object to form.

7 A I mean, I do.

8 They conducted a survey of a
9 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 Q 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 A I'm not sure I follow the question.

21 Can you --

22 Q 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

1 from the person who's the one who should be
2 answering?

3 A Again, in organizations like -- they
4 routinely administer these surveys. This is
5 not the first survey Yankee's done. They
6 list a whole bunch of other ones they've
7 done.

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

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

15 This is not an unknown -- Yankee
16 Group is an extremely well-regarded,
17 well-known, you know, information provider
18 in this space.

19 Q Do you know anything about what procedures,
20 though, they employed here?

21 A I don't know the specific procedures, no.

22 Q Generally do you know?

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

1 specifics of whether it was done online
2 and --

3 I -- I don't know the specific --
4 I mean, what kind of procedures are
5 you --

6 Q I don't know. I'm asking you.

7 A Again, it's a very standard -- standard kind
8 of survey. Contact these organizations
9 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?

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

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

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