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Attorneys for Defendants
SAP AG, SAP AMERICA, INC., and
TOMORROWNOW, INC.

22   UNITED STATES DISTRICT COURT
23   NORTHERN DISTRICT OF CALIFORNIA
            OAKLAND DIVISION
24
ORACLE USA, INC., *et al.*,   CASE NO. 07-CV-01658 PJH (EDL)
25
          Plaintiffs,   **JOINT PROPOSED FORM OF
26   v.   JUDGMENT**

27 SAP AG, *et al.*,

28   Defendants.

Case No. 07-CV-01658 PJH (EDL)

JOINT PROPOSED FORM OF JUDGMENT

JOINT PROPOSED FORM OF JUDGMENT

Pursuant to the November 23, 2010 jury verdict (Dkt. No. 1004) and the Court's

December 28, 2010 Order (Dkt. No. 1030), Plaintiffs Oracle USA, Inc., Oracle International

Corporation and Siebel Systems, Inc. and Defendants SAP AG, SAP America, Inc., and

TomorrowNow, Inc. hereby submit the joint proposed form of judgment, attached as Exhibit A.

Respectfully submitted,

Dated: February 2, 2011   BINGHAM McCUTCHEN LLP

By: ___/s/ Geoffrey M. Howard_____

Geoffrey M. Howard
Attorneys for Plaintiffs

Oracle USA, Inc., Oracle International
Corporation, and Siebel Systems, Inc.

In accordance with General Order No. 45, Rule X, the above signatory attests that concurrence in

the filing of this document has been obtained from the signatory below.

Dated: February 2, 2011   JONES DAY

By: ___/s/ Tharan Gregory Lanier_____

Tharan Gregory Lanier
Attorneys for Defendants

SAP AG, SAP America, Inc. and
TomorrowNow, Inc.

EXHIBIT A

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UNITED STATES DISTRICT COURT

8

NORTHERN DISTRICT OF CALIFORNIA

9

OAKLAND DIVISION

10   ORACLE USA, INC., *et al.*,   Case No. 07-CV-01658 PJH (EDL)

11   Plaintiffs,   **[PROPOSED] JUDGMENT**

12   v.   Judge: Hon. Phyllis J. Hamilton

13   SAP AG, *et al.*,

14   Defendants.

15   Trial commenced in this matter on November 1, 2010. Pursuant to the jury's verdict on

16   November 23, 2010 (Dkt. No. 1004), Amended Trial Stipulation and Order No. 1 Regarding

17   Liability, Dismissal of Claims, Preservation of Defenses, and Objections to Evidence at Trial

18   (Dkt. No. 965), Additional Trial Stipulation and Order Regarding Claims for Damages and

19   Attorneys Fees (Dkt. Nos. 961 and 969), Order Re Motions For Partial Summary Judgment (Dkt.

20   No. 762), and Order Granting Motion to Dismiss in Part and Denying It in Part (Dkt. No. 224),

21   IT IS HEREBY ADJUDGED AND ORDERED that:

22   (1)   JUDGMENT is entered against Defendant TomorrowNow, Inc. on Plaintiff

23   Oracle International Corporation's claim for direct copyright infringement

24   and against Defendants SAP AG and SAP America, Inc. on Plaintiff Oracle

25   International Corporation's claim for indirect copyright infringement, for

26   which Plaintiff Oracle International Corporation shall recover from

27   Defendants SAP AG, SAP America, Inc., and TomorrowNow, Inc.

28   ("Defendants"), jointly and severally, (a) the amount of $1.3 billion

1 ($1,300,000,000); and, (b) prejudgment interest through February 2, 2011 in

2 the amount of $14,751,797, which is the entirety of the relief entered for these

3 claims (not including the stipulation negotiated between the Parties regarding

4 destruction of infringing materials).

5 (2) JUDGMENT is entered against Defendants on Plaintiffs Oracle USA, Inc.,

6 Oracle International Corporation, and Siebel Systems, Inc.'s (collectively,

7 "Oracle" or "Plaintiffs") claims for past and future reasonable attorneys fees

8 and costs (including investigative costs) associated with Oracle's

9 investigation and prosecution of its claims in this case, for which the Parties

10 agreed that Oracle should recover, and has already been paid by Defendants,

11 the amount of $120 million ($120,000,000).

12 (3) JUDGMENT is entered against Defendant TomorrowNow, Inc. on all liability

13 for all claims, including for violations of 18 U.S.C. §§ 1030(a)(2)(C), (a)(4),

14 (a)(5)(i), (a)(5)(ii), and (a)(5)(iii) (the Federal Computer Fraud and Abuse

15 Act) and California Penal Code §§ 502(c)(2), (c)(3), (c)(6) and (c)(7)

16 (California's Computer Data Access and Fraud Act), breach of contract,

17 intentional interference with prospective economic advantage, negligent

18 interference with prospective economic advantage, unfair competition,

19 trespass to chattels, unjust enrichment/restitution, and for an accounting,

20 without separate monetary damages or monetary relief, including punitive

21 damages, or additional injunctive relief by way of these claims.

22 (4) JUDGMENT of dismissal with prejudice is entered as previously stipulated

23 by the Parties, on Oracle's remaining claims for violations of 18 U.S.C.

24 §§ 1030(a)(2)(C), (a)(4), (a)(5)(i), (a)(5)(ii), and (a)(5)(iii) (the Federal

25 Computer Fraud and Abuse Act) and California Penal Code §§ 502(c)(2),

26 (c)(3), (c)(6) and (c)(7) (California's Computer Data Access and Fraud Act),

27 breach of contract, intentional interference with prospective economic

28 advantage, negligent interference with prospective economic advantage,

1   unfair competition, trespass to chattels, unjust enrichment/restitution, and for

2   an accounting.

3   (5)   JUDGMENT of dismissal is entered, as previously ordered by the Court, on

4   all claims brought by Oracle Systems Corporation, J.D. Edwards Europe and

5   Oracle EMEA Limited.

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7   DATED: February ___, 2011

8   By:_____
                                        Hon. Phyllis J. Hamilton
9   United States District Court Judge

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