

# **EXHIBIT 12**

# **Oracle v. SAP**

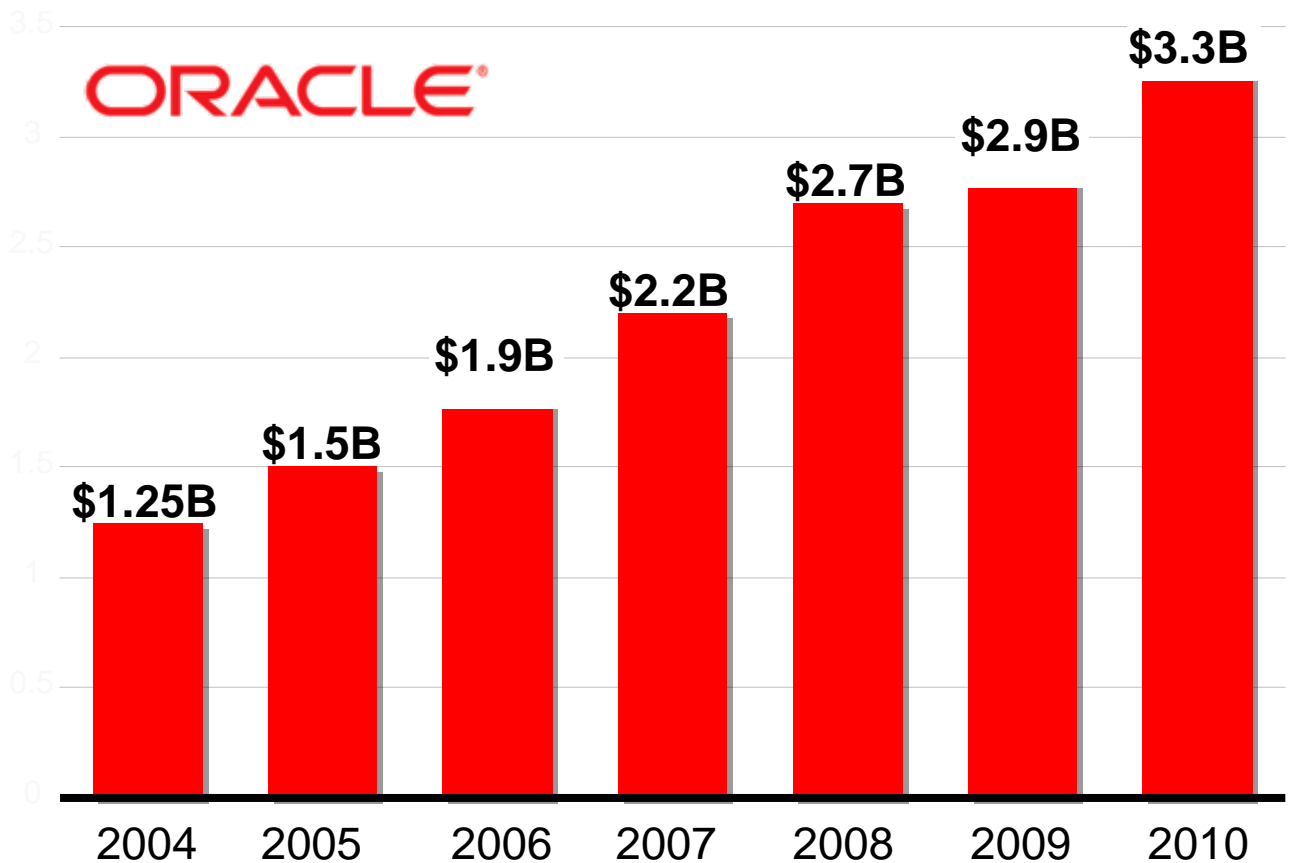
## Oracle Opening Statement

Tuesday, November 2, 2010

# Oracle's Business Relies On Innovation, Research, and Development

Oracle invests billions of dollars each year and employs tens of thousands of engineers in research and development to develop new products, improve existing products, fulfill customer demand, and remain competitive.

## Billions of Dollars in R&D Investment Each Year



**28,000 full-time employees devoted to R&D (as of 2010) – over 25% of all Oracle employees**

## What Factors Show How Valuable And Important The License To Oracle's Copyrighted Property Would Be To SAP?

What factors that existed at the time demonstrate the value of the license that SAP took?

1. **scope and duration** of the license
2. each party's **need** for the copyrighted property
3. SAP's willingness to **assume risk of infringement liability** is an admission of value
4. **competitive relationship** of the parties
5. **goals and business plans** related to the copyrighted property
6. expected **financial benefits** or **impacts** to each party
7. other non-financial factors