

EXHIBIT 17

Plaintiffs' Proposed Final Instruction No. 18

COPYRIGHT DAMAGES—WILLFUL INFRINGEMENT

An infringement is considered willful when Oracle has proved both of the following elements by a preponderance of the evidence:

1. Defendants engaged in acts that infringed Oracle's copyrights; and
2. Defendants knew that those acts infringed Oracle's copyrights.

Authority: Ninth Circuit Manual of Model Jury Instructions, Instruction 17.27 (Civil) (modified)