

EXHIBIT 104

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

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE CORPORATION, a Delaware
corporation, ORACLE USA, INC., a
Colorado corporation, and ORACLE
INTERNATIONAL CORPORATION, a
California corporation,

Plaintiffs,

v.

SAP AG, a German corporation, SAP
AMERICA, INC., a Delaware corporation,
TOMORROWNOW, INC., a Texas
corporation, and DOES 1-50, inclusive,

Defendants.

Case No. 07-CV-1658 MJJ

**DEFENDANTS' ANSWER AND
AFFIRMATIVE DEFENSES TO
FIRST AMENDED COMPLAINT**

JURY TRIAL DEMANDED

SAP AG, SAP America, Inc. ("SAP America") and TomorrowNow, Inc. ("TN")
(collectively, "Defendants"), answer and respond to Plaintiffs' amended complaint as follows:

1 100. Defendants are without knowledge or information sufficient to form a belief as to
2 the truth of the allegations of paragraph 100, and on that basis deny them.

3 101. Defendants deny the allegations of paragraph 101.

4 102. Defendants deny the allegations of paragraph 102.

5 103. Defendants deny the allegations of paragraph 103.

6 104. Defendants deny the allegations of paragraph 104.

7 105. Defendants deny the allegations of paragraph 105.

8 106. Defendants deny the allegations of paragraph 106.

9 107. Defendants deny the allegations of paragraph 107.

10 108. In response to paragraph 108, Defendants incorporate by reference their responses
11 to the preceding paragraphs 1 through 107.

12 109. Defendants deny the allegations of paragraph 109.

13 110. Defendants deny the allegations of paragraph 110.

14 111. Defendants deny the allegations of paragraph 111.

15 112. Defendants deny the allegations of paragraph 112.

16 113. Defendants admit the allegations of paragraph 113.

17 114. Defendants deny the allegations of paragraph 114.

18 115. Defendants deny the allegations of paragraph 115.

19 116. In response to paragraph 116, Defendants incorporate by reference their responses
20 to paragraphs 1 through 81, 89 through 96 and 108 through 115.

21 117. Defendants deny the allegations of paragraph 117.

22 118. Defendants deny the allegations of paragraph 118.

23 119. Defendants deny the allegations of paragraph 119.

24 120. Defendants deny the allegations of paragraph 120.

25 121. Defendants are without knowledge or information sufficient to form a belief as to
26 the truth of the allegations of paragraph 121, and on that basis deny them.

27 122. Defendants deny the allegations of paragraph 122.

28 123. Defendants deny the allegations of paragraph 123.

1 sought therein;

2 B. Deny Plaintiffs' request for preliminary and permanent injunctive relief;

3 C. Grant Defendants their reasonable attorneys' fees and costs of this action; and

4 D. Grant Defendants such other and further relief as the Court deems just and proper.

5 **DEMAND FOR TRIAL BY JURY**

6 Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Defendants hereby
7 demand a trial by jury on all issues so triable.

8 Dated: July 2, 2007

JONES DAY

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10 By: /s/ Tharan Gregory Lanier
11 Tharan Gregory Lanier

12 Counsel for Defendants
13 SAP AG, SAP AMERICA, INC., and
14 TOMORROWNOW, INC.
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