

## SAP STATEMENT



For Immediate Release  
Aug. 5, 2010

## SAP Acts to Focus TomorrowNow Lawsuit

*Decisive Move Intended to Focus the Case and Reach Resolution*

**WALLDORF, Germany and NEWTOWN SQUARE, Pa. — Aug. 5, 2010** — As the scheduled trial approaches, [SAP AG](#) (NYSE: SAP) today announced another step in its continuing efforts to resolve the TomorrowNow lawsuit. In pre-trial filings made today to the Court, SAP proposed that it would not contest the liability of TomorrowNow for copyright infringement and downloading conduct alleged in Oracle's complaint. SAP further stated that it will accept financial responsibility for any judgment awarded against TomorrowNow, despite the fact that SAP was not involved in TomorrowNow's service operations and did not engage in any of the copying or downloading alleged in Oracle's complaint.

Importantly, SAP said it will continue to present arguments and evidence demonstrating that Oracle's damages claims in this matter are vastly overstated.

"By accepting responsibility for TomorrowNow's actions, SAP is taking a decisive move to focus the issues in the case. We acknowledged three years ago that TomorrowNow made mistakes, and we took direct action to address Oracle's concerns, including shutting down the company nearly two years ago," said Werner Brandt, CFO, SAP. "SAP is committed to compensating Oracle for the harm the limited operations of TomorrowNow actually caused. Oracle's unreasonable damages claims are an unproductive distraction as we work to find a fair resolution in this case."

The trial is currently scheduled to begin on November 1, 2010. It is scheduled for six weeks.

For more information on the case, please visit <http://www.tnlawsuit.com>.

### About SAP

SAP is the world's leading provider of business software(\*), offering applications and services that enable companies of all sizes and in more than 25 industries to become best-run businesses. With more than 102,500 customers in over 120 countries, the company is listed on several exchanges, including the Frankfurt stock exchange and NYSE, under the symbol "SAP." For more information, visit [www.sap.com](http://www.sap.com).

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(\*) SAP defines business software as comprising enterprise resource planning, business intelligence, and related applications.

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## **For customers interested in learning more about SAP products:**

Global Customer Center: +49 180 534-34-24

United States Only: 1 (800) 872-1SAP (1-800-872-1727)

## **For more information, press only:**

Christoph Liedtke, +49 (6227) 7-50383, [christoph.liedtke@sap.com](mailto:christoph.liedtke@sap.com), CET

Andy Kendzie, +1 (202) 312-3919, [andy.kendzie@sap.com](mailto:andy.kendzie@sap.com), EDT

Saswato Das, +1 (212) 653 9571, [saswato.das@sap.com](mailto:saswato.das@sap.com), EDT

SAP Press Office, +49 (6227) 7-46315, CET; +1 (610) 661-3200, EDT; [press@sap.com](mailto:press@sap.com)

## **For more information, financial community only:**

Stefan Gruber, +49 6227 7-44872, [investor@sap.com](mailto:investor@sap.com), CET

Martin Cohen, +1 (212) 653-9619, [investor@sap.com](mailto:investor@sap.com), EDT

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## SAP Accepts Liability in Oracle Lawsuit

By [BEN WORTHEN](#)

SAP AG said in a legal filing that it would accept responsibility for copyright infringement by a discontinued business and pay restitution to archrival [Oracle Corp.](#)

However, SAP said that it still planned to present evidence showing that Oracle's claim that it likely suffered more than \$1 billion in damages is overstated. SAP said in its filing that damages likely measure in the "tens of millions" of dollars.

The two software makers have been battling in court since 2007, when Oracle alleged in a lawsuit that TomorrowNow, a company that offered updates and support for some Oracle products, routinely and illegally accessed Oracle's intellectual property. The suit was filed in U.S. District Court in Oakland, Calif.

TomorrowNow was founded in the wake of Oracle's hostile acquisition of software-maker PeopleSoft, and was intended to be an alternative for PeopleSoft customers who didn't want to do business with Oracle. SAP acquired TomorrowNow for \$10 million in 2005 as part of a larger effort to win Oracle customers.

Oracle alleged that TomorrowNow illegally downloaded its support documents and that SAP executives were aware of this when it made the acquisition. Oracle had also alleged that SAP allowed the downloads to continue.

SAP had previously admitted to some mistakes on the part of TomorrowNow. It closed the business in 2008.

"SAP is committed to compensating Oracle for the harm the limited operations of TomorrowNow actually caused," Werner Brandt, SAP's chief financial officer said in a statement.

An Oracle spokeswoman declined to comment.

A trial is set to begin in November.

**Write to** Ben Worthen at [ben.worthen@wsj.com](mailto:ben.worthen@wsj.com)

[Court Rulings and Orders](#)[SAP Court Filings](#)[SAP Statements](#)[FAQ](#)[Contacts](#)

### SAP Acts to Focus TomorrowNow Lawsuit, Files Pre-Trial Filings:

To read SAP's statement [click here >>](#)

To read the filing [click here >>](#)

On March 22, 2007, Oracle filed suit against SAP and its subsidiary TomorrowNow, which provides third party support for Oracle applications. SAP responded to the amended complaint on July 2. This site includes comprehensive information regarding the case.

#### SAP STATEMENTS

[SAP Statement on Aug 5 PreTrial Filings](#)  
[PDF 30 KB] 05 August 2010

[SAP Statement on Oracle July 15 2009 Motion Filing](#)  
[PDF 79 KB] 15 July 2009

#### COURT RULINGS AND ORDERS

[726 - Order re Trial Exhibits](#)  
[PDF 25 KB] 21 July 2010

[724 - Order to Extend Time to Comply](#)  
[PDF 57 KB] 21 July 2010

[720 - Stipulation and Order to Extend](#)

#### SAP COURT FILINGS

[727 - Defendants Trial Brief](#)  
[PDF 120 KB] 05 August 2010

[717 - Stipulation and Proposed Order to Extend Time For Expert Discovery](#)  
[PDF 35 KB] 16 June 2010

[705 - Defendants Reply ISO Defendants Cross Motion for Partial Summary Judgment](#)  
[PDF 52 KB] 21 April 2010

#### CONTACTS

**Media Relations:**  
Christoph Liedtke  
+49 (6227) 7-50383  
[christoph.liedtke@sap.com](mailto:christoph.liedtke@sap.com)  
CET

Jim Dever  
+1 (610) 661-2161  
[james.dever@sap.com](mailto:james.dever@sap.com)  
EST

**Investor Relations:**

