

# EXHIBIT I

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14 Attorneys for Plaintiffs  
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 15 EMEA Ltd., and Siebel Systems, Inc.

16 UNITED STATES DISTRICT COURT  
 17 NORTHERN DISTRICT OF CALIFORNIA  
 18 SAN FRANCISCO DIVISION  
 19

20 ORACLE USA, INC., a Colorado corporation,  
 ORACLE INTERNATIONAL CORPORATION,  
 21 a California corporation, ORACLE EMEA  
 LIMITED, an Irish private limited company, and  
 22 SIEBEL SYSTEMS INC., a Delaware  
 corporation,

23 Plaintiffs,

24 v.

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

27 Defendants.  
 28

CASE NO. 07-CV-01658 PJH (EDL)

**FOURTH AMENDED COMPLAINT  
 FOR DAMAGES AND INJUNCTIVE  
 RELIEF FOR:**

- (1) COPYRIGHT INFRINGEMENT;**
- (2) VIOLATIONS OF THE  
 COMPUTER FRAUD AND ABUSE  
 ACT;**
- (3) VIOLATIONS OF THE  
 COMPUTER DATA ACCESS AND  
 FRAUD ACT;**
- (4) BREACH OF CONTRACT;**
- (5) INTENTIONAL INTERFERENCE  
 WITH PROSPECTIVE ECONOMIC  
 ADVANTAGE;**

1 other Defendants by giving substantial assistance and/or encouragement that, separately  
2 considered, was wrongful in and of itself.

3 152. As a direct and proximate result of the aiding and abetting of these acts,  
4 Oracle has suffered injury, damage, loss, and harm, including, but not limited to, loss of profits  
5 from sales to current and potential customers of Oracle support services and licenses to Oracle  
6 software programs. The wrongful conduct aided and abetted by the Defendants was a substantial  
7 factor in causing this harm.

8 153. Defendants' intentional agreement to commit, and commission of, these  
9 wrongful acts, and aiding and abetting of these wrongful acts, was willful, malicious, oppressive,  
10 and in conscious disregard of Oracle's rights, and Oracle is therefore entitled to an award of  
11 punitive damages to punish their wrongful conduct and deter future wrongful conduct.

12 **First Claim for Relief**

13 **Copyright Infringement**

14 (By OIC Against All Defendants)

15 154. OIC incorporates by reference each of the allegations in the preceding  
16 paragraphs of this Complaint as though fully set forth here.

17 155. OIC owns a valid and enforceable copyright in all of its software  
18 applications and Software and Support Materials, which are creative works of original  
19 authorship. OIC has pre-existing, or has obtained from the Register of Copyrights, Certificates  
20 of Registration that cover many of the software applications and Software and Support Materials  
21 taken and copied by SAP TN.

22 156. OIC has also obtained, through transfer agreements, all rights, title, and  
23 interest in registered and unregistered copyrights formerly owned by certain PeopleSoft, J.D.  
24 Edwards, and Siebel entities.

25 157. OIC owned one or more exclusive rights in certain copyrights at issue in  
26 this case at a point in time during which Defendants infringed those exclusive rights.

27 158. Defendants have infringed copyrights in Oracle software applications and  
28 Software and Support Materials, including the software applications and Software and Support

1 Materials covered by these certificates. These certificates are identified, dated and numbered as  
 2 follows:

	<b>Title of Work</b>	<b>Date of Registration</b>	<b>Registration Number</b>
3	Shop Floor Control program	March 7, 1995	TXu 619-303
4	EDI Interface (6) program	March 7, 1995	TXu 619-304
	Configuration Management program	March 7, 1995	TXu 619-305
5	Master Production Scheduling program	March 7, 1995	TXu 619-306
	Capacity Requirements Planning program	March 7, 1995	TXu 619-307
6	WorldCASE Development Environment program	March 7, 1995	TXu 619-308
	Equipment Management (5) program	March 7, 1995	TXu 619-309
7	General Ledger & Basic Financial program	March 7, 1995	TXu 619-310
	Enterprise Facility Planning program	March 7, 1995	TXu 619-311
8	Accounts Receivable program	March 7, 1995	TXu 619-312
	Warehouse Management program	March 7, 1995	TXu 619-313
9	Inventory Management program	March 7, 1995	TXu 619-314
10	Sales Order Processing/Sales Analysis program	March 7, 1995	TXu 619-315
	Purchase Order Processing program	March 7, 1995	TXu 619-316
11	Product Data Management program	March 7, 1995	TXu 619-317
	Financial Reporting (FASTR) program	March 7, 1995	TXu 619-318
12	WorldCASE Foundation Environment (3) program	March 7, 1995	TXu 619-319
13	Accounts Payable program	March 7, 1995	TXu 619-320
	Financial Modeling, Budgeting & Allocations program	March 7, 1995	TXu 619-321
14	PeopleSoft HRMS 7.0	December 15 1998	TX 4-792-577
15	PeopleSoft HRMS 7.5	December 15, 1998	TX 4-792-575
	PeopleSoft HRMS 8.0	November 20, 2000	TX 5-291-440
16	PeopleSoft 8 HRMS SP1	March 26, 2001	TX 5-501-312
	PeopleSoft 8.3 HRMS	February 1, 2002	TX 5-469-032
17	PeopleSoft 8.8 HRMS	June 11, 2004	TX 6-093-947
18	PeopleSoft 8 Customer Relationship Management	September 27, 2001	TX-5-456-777
19	PeopleSoft 8.8 Customer Relationship Management	June 11, 2004	TX 6-015-317
20	PeopleSoft Financials, Distribution & Manufacturing 7.5	December 15, 1998	TX 4-792-574
21	PeopleSoft 8 Financials and Supply Chain Management: Service Pack 2	September 27, 2001	TX-5-456-780
22	PeopleSoft 8.4 Financials and Supply Chain Management	August 5, 2002	TX-5-586-247
23	PeopleSoft 8.8 Enterprise Performance Management	June 11, 2004	TX-5-993-616
24	PeopleSoft 8 Student Administration Solutions	November 30, 2001	TX 5-431-289
	PeopleTools 7.5	November 20, 1998	TX 4-792-578
25	PeopleTools 8.0	September 5, 2000	TX 5-266-222
	PeopleTools 8.10	September 5, 2000	TX 5-266-221
26	PeopleTools 8.4	August 5, 2002	TX 5-586-248
	Initial release of JD Edwards EnterpriseOne XE	April 26, 2007	TX 6-541-033
27	ESU for JD Edwards EnterpriseOne Xe	May 3, 2007	TX 6-541-051
28	Cumulative Update 8 for JD Edwards	April 26, 2007	TX 6-541-048

1	EnterpriseOne Xe		
	Initial release of JD Edwards EnterpriseOne 8.0	April 26, 2007	TX 6-541-050
2	ESU for JD Edwards EnterpriseOne 8.0	April 26, 2007	TX 6-541-046
	Cumulative Update 1 for JD Edwards EnterpriseOne 8.0	April 26, 2007	TX 6-541-034
3	Initial release of JD Edwards EnterpriseOne 8.9	April 26, 2007	TX 6-541-049
4	ESU for JD Edwards EnterpriseOne 8.9	April 26, 2007	TX 6-541-036
	Initial release of JD Edwards EnterpriseOne 8.10	April 26, 2007	TX 6-541-038
5	ESU for JD Edwards EnterpriseOne 8.10	April 26, 2007	TX 6-541-037
6	Cumulative Update 2 for JD Edwards EnterpriseOne 8.10	April 26, 2007	TX 6-541-032
7	Initial release of JD Edwards EnterpriseOne 8.11	April 26, 2007	TX 6-541-028
8	ESU for JD Edwards EnterpriseOne 8.11	April 26, 2007	TX 6-541-035
	Initial release of JD Edwards EnterpriseOne 8.11 SP1	April 26, 2007	TX 6-541-040
9	ESU for JD Edwards EnterpriseOne 8.11 SP1	April 26, 2007	TX 6-541-027
10	Cumulative Update 1 for JD Edwards EnterpriseOne 8.11 SP1	April 26, 2007	TX 6-541-039
	Initial release of JD Edwards EnterpriseOne 8.12	April 26, 2007	TX 6-541-041
11	ESU for JD Edwards EnterpriseOne 8.12	April 26, 2007	TX 6-541-045
12	Cumulative Update 1 for JD Edwards EnterpriseOne 8.12	April 26, 2007	TX 6-541-042
13	Initial release of JD Edwards World A7.3	April 26, 2007	TX 6-541-029
	Code Change for JD Edwards World A7.3	April 26, 2007	TX 6-541-043
14	Cumulative Update 16 for JD Edwards World A7.3	April 26, 2007	TX 6-541-031
15	Initial release of JD Edwards World A8.1	April 26, 2007	TX 6-541-047
16	Code Change for JD Edwards World A8.1	April 26, 2007	TX 6-541-044
17	Cumulative Update 6 for JD Edwards World A8.1	May 1, 2007	TX 6-545-421
18	Initial release of JD Edwards World A9.1	April 26, 2007	TX 6-541-030
	ECRM89: Common Errors on Mobile Sales	April 26, 2007	TX 6-541-020
19	EAP WTHD06: 1099 IRS changes for the year 2006	April 26, 2007	TX 6-541-023
20	JD Edwards World -- 1099 Changes for Tax Year 2006	April 26, 2007	TX 6-541-026
21	E1: 1099: Year 2006 1099 ESUs	April 26, 2007	TX 6-541-024
	Changes to Daylight Savings Time for 2007 (DST)	April 26, 2007	TX 6-541-025
22	E1: 07/77: Quantum for Payroll Tax v.280	April 26, 2007	TX 6-541-022
23	GM--Grants issues resolved by FMS ESA 8.9 Bundle #10-653723 (Oct 06)	April 26, 2007	TX 6-541-021
24	PeopleTools Third Party Daylight Saving Time Required Modifications	April 26, 2007	TX 6-541-019
25	PeopleTools Third Party Daylight Saving Time Required Modifications (Revised)	April 26, 2007	TX 6-541-018
26	PeopleSoft 8.01 & 8.31 Payroll Tax Update 05-F Year-End Processing: Canada	May 2, 2008	TX 6-838-549
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1	PeopleSoft Payroll 1200457000 - User Documentation	May 2, 2008	TX 6-838-537
2	PeopleSoft Application Update Installation Instructions (UPD595817)	May 2, 2008	TX 6-838-544
3	PeopleSoft Financials and Supply Chain Management (FIN/SCM) 8.0	November 20, 2000	TX 5-291-439
4	PeopleSoft 8 EPM SP3	March 30, 2001	TX 5-345-698
5	PeopleSoft 8.3 Enterprise Performance Management	March 11, 2002	TX 5-485-839
6	PeopleSoft 8.1 Customer Relationship Management	March 20, 2002	TX 5-493-450
7	PeopleSoft 8 FIN/SCM SP1	March 26, 2001	TX 5-501-313
8	PeopleSoft 7.0 financials, distribution & manufacturing 7.0	December 15, 1998	TX 4-792-576
9	PeopleSoft Benefits Administration 7.50	June 14, 1999	TX 5-072-090
10	PeopleSoft Benefits Administration 7.0	June 15, 1999	TX 4-258-824
11	PeopleSoft Payroll Interface 7.50	June 21, 1999	TX 3-772-292
12	PeopleSoft Pension Administration 7	June 21, 1999	TX 3-772-290
13	PeopleSoft Pension Administration 7.50	June 21, 1999	TX 3-772-291
14	PeopleSoft Payroll 7	June 22, 1999	TX 4-501-140
15	PeopleSoft Payroll Interface 7	June 22, 1999	TX 4-501-138
16	PeopleSoft Human Resources 7	June 28, 1999	TX 4-994-865
17	PeopleSoft Human Resources 7.50	June 28, 1999	TX 5-013-123
18	PeopleSoft Payroll 7.50	June 28, 1999	TX 5-013-125
19	PeopleSoft Payroll Interface 7 Higher Education	June 28, 1999	TX 5-013-124
20	PeopleSoft Time and Labor 7	June 28, 1999	TX 5-013-128
21	PeopleSoft Time and Labor 7.0	June 28, 1999	TX 4-994-866
22	PeopleSoft Time and Labor 7.50	June 28, 1999	TX 4-994-867
23	Database of Documentary Customer Support Materials for PeopleSoft Software	July 1, 2009	TXu1-607-454
24	Database of Documentary Customer Support Materials for J.D. Edwards Software	July 1, 2009	TXu1-607-455
25	Siebel 6.3 Initial Release and Documentation	June 29, 2009	TX 6-941-989
26	Siebel 7.0.5 Initial Release and Documentation	June 29, 2009	TX 6-941-988
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1	Siebel 7.5.2 Initial Release and Documentation	June 29, 2009	TX 6-941-990
2	Siebel 7.7.1 Initial Release and Documentation	June 29, 2009	TX 6-941-993
3	Siebel 7.8 Initial Release and Documentation	June 29, 2009	TX 6-941-995
4	Siebel 8.0 Initial Release and Documentation	June 29, 2009	TX 6-942-000
5	Siebel 8.1.1 Initial Release and Documentation	June 29, 2009	TX 6-942-001
6	Database of Documentary Customer Support Materials for Siebel Software	July 1, 2009	TXu1-607-453
7	Oracle 8i Enterprise Edition, release 2 (8.1.6)	February 2, 2001	TX 5-222-106
8	Oracle Relational Database Management System (RDBMS): Release 8.0.4	November 21, 2001	TX 5-392-842
9	Oracle Relational Database Management System (RDBMS), Release 8.0.5	November 21, 2001	TX 5-392-861
10	Oracle9i Database Enterprise : Edition Release 1	June 13, 2003	TX 5-673-281
11	Oracle9i Database Enterprise : Edition Release 2	June 13, 2003	TX 5-673-282
12	Oracle Database 10g: Release 1	January 16, 2009	TX 6-938-648
13	Oracle Database 10g: Release 2	June 29, 2009	TX 6-942-003

13                   159.    These registrations generally cover, but are not limited to, numerous  
 14 versions of Oracle software, including the updates, patches and fixes incorporated in each  
 15 relevant version, service packs of Oracle updates, patches and fixes, and individual exemplar  
 16 Software and Support Materials, including certain Oracle knowledge management solutions and  
 17 certain Oracle updates, patches and fixes, all of which SAP TN copied without a license. The  
 18 registrations listed above also cover numerous Oracle software releases that SAP TN copied to  
 19 create “local customer environments.”

20                   160.    OIC also has the following registrations that cover “Current Development  
 21 Environments” for certain software releases:

	Title of Work	Date of Registration	Registration Number
23	Current development environment for JD Edwards EnterpriseOne Xe	April 26, 2007	TXu1-345-109
24	Current development environment for JD Edwards EnterpriseOne 8.0	April 26, 2007	TXu1-345-111
25	Current development environment for JD Edwards EnterpriseOne 8.9	April 26, 2007	TXu1-345-112
26	Current development environment for JD Edwards EnterpriseOne 8.10	April 26, 2007	TXu1-345-113
27	Current development environment for JD Edwards EnterpriseOne 8.11	April 26, 2007	TXu1-345-114

1	Current development environment for JD Edwards EnterpriseOne 8.11 SP1	April 26, 2007	TXu1-345-115
2	Current development environment for JD Edwards EnterpriseOne 8.12	April 26, 2007	TXu1-346-350
3	Current development environment for JD Edwards World A7.3	April 26, 2007	TXu1-345-110
4	Current development environment for JD Edwards World A8.1	May 1, 2007	TX 6-545-422

6 Discrete portions of these registered Current Development Environments also contain updates,  
7 patches and fixes that SAP TN copied without a license. Defendants infringed these discrete  
8 portions of the registered Current Development Environments by taking without license the  
9 Software and Support Materials that are substantially similar to these discrete portions.

10 161. Through the acts alleged above, Defendants have violated the exclusive  
11 rights of OIC to reproduce and make copies of its copyrighted software applications and  
12 Software and Support Materials, including materials covered by the registrations listed above,  
13 by:

- 14 • repeatedly copying entire releases of Oracle's software, and related  
15 documentation, to SAP TN's own local systems, without authorization or  
16 license, to create "local customer environments";
- 17 • creating unlicensed works derived from these software copies and related  
18 documentation to support SAP TN's other customers;
- 19 • using these software copies for other improper business purposes,  
20 including, without limitation, training employees, troubleshooting,  
21 researching general and specific support issues, and marketing to  
22 prospective customers;
- 23 • "exploding" the source code of certain Software and Support Materials on  
24 to SAP TN's local machines in order to catalogue them to facilitate  
25 creation of unlicensed works in its own name;
- 26 • downloading Oracle's copyrighted Software and Support Materials onto  
27 its computers in violation of 17 U.S.C. § 106; and,

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1                   • repeatedly copying, co-mingling and cross-using the downloaded Software  
2                   and Support materials to populate different customer folders, support other  
3                   customers, and as a general resource to provide support in the ordinary  
4                   course of SAP TN's business.

5                   162. Defendants have also violated the exclusive rights of OIC to control the  
6                   distribution, creation of derivative works and public display of copyrighted works by  
7                   downloading, copying, creating derivative works from and/or distributing Oracle's Software and  
8                   Support Materials and/or derivative works to Defendants' customers, via posting to its website,  
9                   by electronic mail, through file transfer protocol, or otherwise, including at least Oracle's DST  
10                  Solution, in violation of 17 U.S.C. § 106.

11                  163. Defendants were not authorized to copy, download, reproduce, create  
12                  derivative works from, distribute, or publicly display Oracle's copyrighted software applications  
13                  and Software and Support Materials except as authorized by and in support of a specific licensed  
14                  customer, using only (in the case of Software and Support Materials) that licensed customer's  
15                  log in credentials, and with respect only to Software and Support Materials for which that  
16                  customer had a current right to have and use.

17                  164. In addition to directly infringing the exclusive rights of OIC, Defendants  
18                  have contributorily and/or vicariously infringed the exclusive rights of OIC in Oracle software  
19                  applications and Software and Support Materials by controlling, directing, intentionally  
20                  encouraging, inducing or materially contributing to the copying, distribution, publicly display or  
21                  creation of derivative works from Oracle's copyrighted software applications and Software and  
22                  Support Materials. Defendants also obtained a direct financial benefit from the above alleged  
23                  infringing activities while declining to exercise their right to stop it or limit it.

24                  165. Defendants knew or should have known that copying, distributing, public  
25                  display of, and creating derivative works of and from Oracle's software applications and  
26                  Software and Support Materials, which Defendants copied in the name of customers who had no  
27                  license to copy, distribute, publicly display or create derivative works from those materials,  
28                  infringed the exclusive rights of OIC in those materials.



1 materials pursuant to 17 U.S.C. § 503;

2 E. For an Order awarding Oracle punitive damages in a sum to be  
3 determined at trial, on the basis of Defendants' willful and deliberate unauthorized computer  
4 access and fraud, intentional interference with Oracle's prospective economic advantage,  
5 trespass, aiding and abetting and conspiracy;

6 F. For restitution and disgorgement of all ill-gotten gains unjustly  
7 obtained and retained by Defendants through the acts complained of here;

8 G. For an Order finding a Constructive Trust for Oracle's benefit,  
9 consisting of all revenues received by Defendants from their wrongful conduct which should  
10 rightfully have been received by Oracle and all profits derived from that wrongful conduct, and  
11 directing Defendants to pay all such sums to Oracle;

12 H. For damages to be proven at trial;

13 I. For statutory damages pursuant to 17 U.S.C. § 504;

14 J. For prejudgment interest;

15 K. For an accounting;

16 L. For an Order awarding Oracle its attorneys' fees and costs; and,

17 M. For an Order awarding Oracle such other and further relief as the  
18 Court deems just and proper.

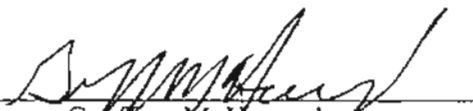
19 DATED: August 18, 2009

BINGHAM McCUTCHEN LLP

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By:   
Geoffrey M. Howard

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Attorneys for Plaintiffs  
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