

EXHIBIT 5

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Department of Justice

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**DEPARTMENT OF JUSTICE ANTITRUST DIVISION ISSUES STATEMENT
ON THE EUROPEAN COMMISSION'S DECISION REGARDING THE PROPOSED
TRANSACTION BETWEEN ORACLE AND SUN**

WASHINGTON — Deputy Assistant Attorney General Molly Boast of the Department of Justice's Antitrust Division issued the following statement today after the European Commission (EC) issued a statement of objections regarding Oracle Corporation's proposed acquisition of Sun Microsystems Inc.:

"After conducting a careful investigation of the proposed transaction between Oracle and Sun, the Department's Antitrust Division concluded that the merger is unlikely to be anticompetitive. This conclusion was based on the particular facts of the transaction and the Division's prior investigations in the relevant industries. The investigation included gathering statements from a variety of industry participants and a review of the parties' internal business documents. At this point in its process, it appears that the EC holds a different view. We remain hopeful that the parties and the EC will reach a speedy resolution that benefits consumers in the Commission's jurisdiction.

"Several factors led the Division to conclude that the proposed transaction is unlikely to be anticompetitive. There are many open-source and proprietary database competitors. The Division concluded, based on the specific facts at issue in the transaction, that consumer harm is unlikely because customers would continue to have choices from a variety of well established and widely accepted database products. The Department also concluded that there is a large community of developers and users of Sun's open source database with significant expertise in maintaining and improving the software, and who could support a derivative version of it.

"The Department and the European Commission have a strong and positive relationship on competition policy matters. The two competition authorities have enjoyed close and cooperative relations. The Antitrust Division will continue to work constructively with the EC and competition authorities in other jurisdictions to preserve sound antitrust enforcement policies that benefit consumers around the world."

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