

Nos. 12-16944, 12-17053

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

ORACLE CORPORATION; ORACLE INTERNATIONAL
CORPORATION; ORACLE SYSTEMS CORPORATION; ORACLE
USA INC.; ORACLE EMEA LIMITED; J.D. EDWARDS EUROPE
LIMITED; SIEBEL SYSTEMS, INC.,

Plaintiffs-Appellants/Cross-Appellees,

v.

SAP AG; SAP AMERICA, INC.; TOMORROWNOW, INC.,

Defendants-Appellees/Cross-Appellants.

On Appeal from the United States District Court for the
Northern District of California, No. 07-CV-1658 PJH
Honorable Phyllis J. Hamilton

**APPELLEES/CROSS-APPELLANTS' UNOPPOSED
MOTION TO DISMISS CROSS-APPEAL**

Pursuant to Federal Rule of Appellate Procedure 42(b), Appellees/Cross-Appellants SAP AG, SAP America, Inc., and TomorrowNow, Inc. (hereinafter "Cross-Appellants"), hereby move to voluntarily dismiss their cross-appeal in the above-captioned case, which is pending in this Court as Case Number 12-17053. Cross-Appellants move to dismiss *only* their cross-appeal, not the lead appeal filed

by Appellants/Cross-Appellees. As the terms of the dismissal, Cross-Appellants propose that each side will bear its own fees and costs.

Counsel for Cross-Appellants contacted counsel for Appellants/Cross-Appellees, who indicated that Appellants/Cross-Appellees do not oppose the motion or its proposed terms.

Dated: January 11, 2013

By: /s/ Gregory A. Castanias
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CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of January, 2013, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system. I further certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing document by First-Class Mail, postage prepaid, to the following non-CM/ECF participants:

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