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

19 UNITED STATES DISTRICT COURT
20 NORTHERN DISTRICT OF CALIFORNIA
21 SAN FRANCISCO DIVISION

22 ORACLE USA, INC., *et al.*,
23 Plaintiffs,
24 v.
25 SAP AG, *et al.*,
26 Defendants.

CASE NO. 07-CV-1658 PJH (EDL)

**[PROPOSED] ORDER GRANTING
DEFENDANTS' FRCP 12(B)(1) AND
12(B)(6) MOTION TO DISMISS
PLAINTIFFS' COPYRIGHT
INFRINGEMENT, INTERFERENCE
WITH PROSPECTIVE ECONOMIC
ADVANTAGE, BREACH OF
CONTRACT, UNFAIR COMPETITION,
AN ACCOUNTING AND UNJUST
ENRICHMENT**

1 Having considered Defendants’ FRCP 12(b)(1) and 12(b)(6) Motion to Dismiss Plaintiffs’
2 Claims for Copyright Infringement, Interference with Prospective Economic Advantage, Breach
3 of Contract, Unfair Competition, An Accounting, and Unjust Enrichment (“Motion to Dismiss”),
4 supporting declaration of Tharan Gregory Lanier, and exhibits attached thereto, that were lodged
5 with the Court on October 15, 2008:

6 IT IS HEREBY ORDERED THAT: Defendants’ motion is GRANTED. The Court
7 hereby dismisses with prejudice and without leave to amend: (1) the copyright claims of J.D.
8 Edwards Europe Limited pursuant to Rule 12(b)(1); (2) the copyright claims of Oracle Systems
9 Corporation pursuant to Rule 12(b)(6); (3) Plaintiffs’ claims for intentional and negligent
10 interference with prospective economic advantage pursuant Rule 12(b)(6); (4) Plaintiffs’ claim
11 for breach of contract pursuant to Rule 12(b)(6); (5) Plaintiffs’ claims for unfair competition
12 pursuant to Rule 12(b)(6); (6) Plaintiffs’ claims for an accounting pursuant to Rule 12(b)(6); and
13 (7) Plaintiffs’ claims for unjust enrichment pursuant to Rule 12(b)(6).

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15 DATED: _____

By: _____
Hon. Phyllis J. Hamilton

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