



**For Immediate Release  
August 28, 2007**

## SAP Statement on Joint Oracle/SAP Case Management Conference Statement

[Background: On August 28, 2007 PDT, SAP and Oracle jointly filed a case management conference statement as required by the Court's rule in preparation for the September 4, 2007 case management conference. The statement includes Oracle and SAP's positions on various issues, including alternative dispute resolution, pretrial schedules, discovery, etc. At the case management conference itself, these issues may be discussed in more detail. Following the conference, the Court typically issues an order with its decisions on matters such as trial date, alternative dispute resolution and discovery schedule. Please visit [www.tnlawsuit.com](http://www.tnlawsuit.com), where the case management conference statement is posted.]

*WALLDORF, Germany — August 28, 2007* — “The facts in this case are outlined clearly in SAP’s case management statement and in SAP’s response to Oracle’s complaint. Oracle's statement of "facts" is dramatic but inaccurate. It is in the best interest of all concerned, including our customers, for this case to be resolved promptly. We believe that it can be, despite Oracle's position.”

Excerpts from SAP’s sections of the case management statement:

“Oracle's statement of “facts” is dramatic but inaccurate. It ignores that TomorrowNow, on behalf of its customers, had a right to access Oracle's Customer Connection website and to download support materials for the customers. It ignores that the downloads were performed by TomorrowNow, not SAP America or SAP AG. It ignores that none of the support materials downloaded by TomorrowNow were provided to SAP America or SAP AG. This case, in short, is about whether TomorrowNow exceeded its customers' rights in downloading certain materials. That is not a matter of "corporate theft on a grand scale", as Oracle says in its complaint, but a matter of contract interpretation.”

“As with most cases, prompt resolution of this case is in the best interests of all concerned. At a minimum, the Court’s ADR process will be a useful forum for Oracle to identify and quantify its alleged harm so that discovery, motions and trial can be appropriately focused. Defendants thus respectfully submit that the parties should be ordered to participate in mediation with an active or retired Magistrate Judge within the next few months, without delaying initial discovery which could be useful to that process.”

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Any statements contained in this document that are not historical facts are forward-looking statements as defined in the U.S. Private Securities Litigation Reform Act of 1995. Words such as "anticipate," "believe," "estimate," "expect," "forecast," "intend," "may," "plan," "project," "predict," "should" and "will" and similar expressions as they relate to SAP are intended to identify such forward-looking statements. SAP undertakes no obligation to publicly update or revise any forward-looking statements. All forward-looking statements are subject to various risks and uncertainties that could cause actual results to differ materially from expectations. The factors that could affect SAP's future financial results are discussed more fully in SAP's filings with the U.S. Securities and Exchange Commission ("SEC"), including SAP's most recent Annual Report on Form 20-F filed with the SEC. Readers are cautioned not to place undue reliance on these forward-looking statements, which speak only as of their dates.

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