

## Appeals court ups stakes in Oracle-SAP copyright fight (Update)

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A US appeals court on Friday ruled that Oracle be given a choice between \$356.7 million or a new trial for its copyright lawsuit against German rival SAP.

The settlement amount would be less than a third of the \$1.3 billion SAP was ordered to pay the Silicon Valley giant by a jury in November 2010.

The ruling Friday by a panel of three judges in the Ninth Circuit Court of Appeals in San Francisco came in response to a legal move made by Oracle in late 2012.

The appeals panel backed the trial judge on several points, including her decision to override the big-money damages award based on the reasoning that the jury used "undue speculation."

"We conclude, however, that the district court erroneously set the remittitur at \$272 million," the appeals judges ruled.

"We therefore vacate and remand with instructions for the district court to offer Oracle the choice between a \$356.7 million remittitur and a new trial."

After a jury ordered SAP to pay the Silicon Valley giant \$1.3 billion, US District Court Judge Phyllis Hamilton called the figure "grossly excessive" and slashed it to \$272 million.

Oracle rejected the amount and filed an appeal.

The case dates back to 2007, when Oracle accused SAP subsidiary TomorrowNow of a massive scheme to download and copy its software.

Prior to Hamilton's decision, the two firms agreed to a \$306 million settlement figure—but with the understanding that it was simply a maneuver to end the case in the lower courts and allow an appeal to proceed.

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