

EMPTORIS COMMENTS ON INITIAL VERDICT OF PATENT INFRINGEMENT LAWSUIT CASE

Burlington, MA – (October 30, 2008) – [Emptoris, Inc.](#), a leading provider of enterprise [supply and contract management software](#), commented today on the patent infringement lawsuit filed against the company by Ariba, Inc. (Nasdaq: ARBA) of Sunnyvale, CA. The suit, filed in April 2007, was heard over the past two weeks in Federal District Court for the Eastern District of Texas, Case Number 9:2007cv00090. An interim judgment in the case was issued by the jury yesterday, subject to the judge's up or down adjustment with respect to damages.

"The judgment issued by the Court finds that a few minor functions in the Emptoris Sourcing Solution infringed on the patents in question. Emptoris is pleased that the case has concluded and we feel vindicated that the judgment was limited to just a handful of claims out of the more than two hundred claims sought by Ariba; the vast majority of those original claims were resolved in favor of Emptoris," said Robert Kellegrew, General Counsel for Emptoris, Inc.

"Emptoris will release a patch which eliminates the issues that led to a finding of infringement within days. There will be no disruption to the function of the company's sourcing solution or to the company based on the outcome of this trial. The judgment does not impact the Emptoris Spend Analysis, Contract Management, Supplier Performance Management, Compliance and Program Management Solutions," continued Kellegrew.

"Emptoris' operational health remains very strong, and the company will continue to be highly competitive in the market. Emptoris prides itself on innovation and its investment in its solutions and will continue to vigorously defend itself against attempts to stifle competition, as well protect its own intellectual property," said Kellegrew, General Counsel for Emptoris, Inc.

In April 2007, Ariba Inc. filed a suit against Emptoris, Inc. asserting more than two hundred claims of patent infringement. Before trial, the overwhelming majority of Ariba's patent claims were dropped, dismissed with prejudice, or ruled invalid as a matter of law by the Court. Ariba's lawsuit sought damages for losses related, in part, to Fortune 500 customers who had converted from Ariba to Emptoris.

Emptoris has a reputation for solution innovation having pioneered the use of optimization in strategic sourcing back in 1999. The company routinely invests up to a third of its revenue back into research and development to continue to bring new innovations to market. The Emptoris Supply & Contract Management solutions are consistently recognized by leading independent analyst firms as the market's leading solutions. Most recently, Emptoris was positioned as in the "leaders quadrant" in the [Gartner research report](#), "Magic Quadrant for Sourcing Application Suites, 2008" – and received the highest score for "Current Product Offering" in "The [Forrester Wave](#): Contract Life-Cycle Management, 2008."

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