

EMPTORIS COMMENTS ON OFFICIAL JUDGMENT IN PATENT INFRINGEMENT LAWSUIT

Specific Software Code in Dispute Has Been Removed from the Emptoris Sourcing Solution

Burlington, MA – (December 17, 2008) – [Emptoris](#), Inc., a leading provider of enterprise [supply and contract management software](#), commented today on the official judgment in the patent infringement lawsuit the company was involved in with Ariba, Inc. (Nasdaq: ARBA) of Sunnyvale, CA. The suit was heard in Federal District Court for the Eastern District of Texas, Case Number 9:2007cv00090.

“Emptoris’ sourcing solution contains hundreds of features and among the market’s most advanced functionality. The court’s judgment was related to code for individual bid ceilings and certain auction overtime rules, which Emptoris no longer utilizes. Emptoris has developed and already rolled out a solution that eliminates any infringement. Thus, the injunction awarded to Ariba is irrelevant to all present and future Emptoris customers,” said Kevin Potts, Vice President of Product Management at Emptoris. “No action is required by Emptoris customers.”

Robert Kellegrew, General Counsel for Emptoris, Inc., added, “Emptoris is pleased that the trial phase of this 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.”

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. An interim judgment in the case was issued in October 2008 and the court entered its final judgment yesterday for a total award of \$6.4 million to Ariba. Emptoris will also pay court costs, which are expected to be minimal. However, the court declined to have Emptoris pay Ariba’s legal fees associated with the lawsuit. Based on Ariba’s own estimates, as provided on their quarterly conference calls and filings, that company’s litigation expenses exceeded \$17 million over the course of the past two years. This figure does not include Ariba’s litigation expenses over the course of the trial itself in October 2008 or thereafter.

Emptoris maintains the right to appeal the judgment.

“We are happy to have the trial behind us – and to have quickly resolved the infringement issue in the solution. 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.

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."

For further information on Emptoris solutions, visit www.emptoris.com

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