

**Court Denies Ariba Motion for Review,
Refuses to Take Any Further Action in Patent Litigation Case with Emptoris,
Case Effectively Concluded**

Burlington, MA – (February 26, 2008) – [Emptoris](#), Inc., a leading provider of enterprise [supply and contract management software](#), announced today that the Federal District Court for the Eastern District of Texas denied Ariba’s motion regarding the release of Emptoris’ new proprietary software patch. The ruling effectively concludes the Ariba v. Emptoris trial; although Emptoris will be appealing the Court’s original ruling. The company re-emphasized that no action is required of its Emptoris Sourcing customers.

“We are happy, that the Court, as we expected, has ruled against Ariba’s motion requesting review of Emptoris software code. We took tremendous care to ensure that the new design avoids any claim of infringement, and made every effort to ensure that it complied with the Court’s ruling, including having the new design reviewed by independent third-party experts. We are happy the Court ruled in our favor, and dismissed Ariba’s motion for contempt which would have required further review. This effectively concludes the trial, with the only remaining aspect being Emptoris’ right to appeal. Let me be clear that no action is required by, or expected for, Emptoris Sourcing customers,” said Bob Kellegrew, General Counsel, for Emptoris, Inc.

Background on Ariba v. Emptoris Case

In April 2007, Ariba Inc., filed a suit against Emptoris, Inc., in the Federal District Court for the Eastern District of Texas, asserting more than two hundred claims of patent infringement (Case Number 9:2007cv00090). 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. In December 2008, the Court issued a judgment in the case. The Court ruled that two functions, out of the hundreds of functions and capabilities available in the Emptoris Sourcing solution, infringed Ariba’s two patents. The two functions in question, related to bid overtime rules and preliminary bids, and were used by less than 5% of Emptoris’ customers. The Court declined to have Emptoris pay any of Ariba’s legal fees associated with the lawsuit.

According to a Dow Jones newswire report, “The outcome [of the trial] was significantly less than what Ariba had been looking for since the court threw out the majority of Ariba’s case.” Ariba’s litigation expenses exceeded \$17 million over the course of the past two years according to that company’s own financial filings.

Although Emptoris will appeal the District Court's original infringement verdict, Emptoris has already released a new software patch to replace the functionality found to infringe, an action the company believes to be in the best interest of its customers. That software patch was provided to all existing Emptoris customers in December 2008. On February 20, 2009, the Court denied Ariba's motion for contempt of court based on the software patch. That ruling effectively ended the trial phase of the matter.

Emptoris Sourcing Solution Leadership and Innovation

Having pioneered the use of [optimization in strategic sourcing](#) back in 1999, Emptoris has a long reputation for solution innovation. 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 an independent research report that evaluated nine leading sourcing application suites— and received the highest score for "Current Product Offering" in another independent research firm's evaluation of 13 contract management software solutions across 110 criteria.

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

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