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2011 Awards for Excellence in Technology Journalism  
Entry Deadline: June 17, 2011

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Writer's Name: Chris Kanaracus

Writer's Title: U.S. Correspondent, IDG News Service

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**News**

## Update: Equity firm to buy ERP vendors Epicor, Activant for \$2B

 By [Chris Kanaracus](#)

April 4, 2011 11:23 AM ET

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IDG News Service - Private equity firm Apax Partners is buying Epicor and Activant in a deal that will create one of the world's largest ERP (enterprise resource planning) software vendors, the companies announced Monday.

Apax is to pay \$976 million for Epicor. Specific terms of the offer for privately held Activant were not disclosed, but Apax said the combined deal was worth about \$2 billion. The deal is expected to close in this quarter.

Once combined, Activant and Epicor will have 30,000 customers and \$825 million in revenue, according to a statement. The new company will be named Epicor Software Corp., but won't be publicly traded.

The pending merger is "extremely positive for Epicor's customers, employees and shareholders alike," Epicor CEO George Klaus said in a statement.

Shareholders controlling about 32% of Epicor's shares have indicated support for the deal, according to a statement.

Epicor is known for its focus on ERP software for manufacturers, while Activant has products for retailers and wholesale distributors.

News of the deal comes just weeks after another major ERP acquisition attempt. Last month, Infor made a roughly \$1.8 billion bid for Lawson Software, which so far hasn't publicly accepted the offer. Observers have speculated that other ERP vendors, such as Oracle, may submit counteroffers for Lawson.

Apax may also see some competition for Epicor and Activant. Under the deal's terms, Epicor has until May 4 to solicit better offers from third parties, according to a statement.

"Activant has a big chunk of the wholesale distribution market," said analyst Ray Wang, CEO of Constellation Research. The combined company "could be a one-stop shop for manufacturers to distributors to service firms," he added.

Counter-bids may come in from Infor or Microsoft, "but that seems unlikely right now," Wang said.

The deal should be placed in a context beyond the ERP market, he added.

"There is a race to get to \$1 billion [in revenue]. At \$1 billion, software companies gain economies of scale that allow the right amount of R&D. It's imperative to get to that size to compete and invest," Wang said.

Both Activant and Epicor have done a good job of addressing micro-vertical markets, Wang added. However, while Epicor has done a good job of modernizing its technology, "Activant has been a laggard," he said.

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Customers of the companies should move quickly to secure product requests and enhancements now, as well as to lock in the terms of their annual maintenance contracts, he said.

Private equity firms focus on squeezing out costs from companies they acquire before selling them at a profit, Wang said. "That being said, we should wait to see what Apax has in mind."

Chris Kanaracus covers enterprise software and general technology breaking news for The IDG News Service. Chris's e-mail address is [Chris\\_Kanaracus@idg.com](mailto:Chris_Kanaracus@idg.com)

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Writer's Name: Chris Kanaracus

Writer's Title: U.S. Correspondent, IDG News Service

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Article URL (if applicable): http://www.computerworld.com/s/article/19217056/Oracle -  
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**News**

# Oracle-Google trial could be delayed for years

By **Chris Kanaracus**

May 25, 2011 12:24 PM ET

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IDG News Service - The federal judge overseeing the Java patent litigation between Oracle and Google has said it might be necessary to delay a trial until U.S. authorities finish re-examining a number of Oracle's patents, a process that could take years.

Oracle sued Google in August, alleging that its Android mobile OS infringes on seven of Oracle's Java patents. Google has denied any wrongdoing.

In February, Google asked the U.S. Patent & Trade Office to perform the re-examinations, which on average take 26 months to be completed, according to [USPTO figures](#).

But in reality, re-examinations can take three or four years, and some have been in process for 10 years, [one expert previously told IDG News Service](#).

"The larger the number of patents and patent claims at trial, the greater will be the burden on the jury's ability to comprehend and to reach a just and correct verdict," U.S. District Court Judge William Alsup wrote in a filing this week.

"The larger the number of patents and patent claims asserted, moreover, the more practical it will then seem to simply stay this case and see which claims survive PTO re-examination."

Alsup had previously asked both [Oracle](#) and [Google](#) to [reduce the number of claims each is making](#), in order to resolve the case more quickly.

While Alsup initially suggested that Oracle [lower its claims from 132 to three](#), in subsequent filings Oracle attorneys have asked for the opportunity to present up to 21 claims at trial, which is currently scheduled to begin Oct. 31.

While the court "doubts that the number of claims Oracle would ask a jury to learn and to evaluate is 'triable,' it is premature to reach a final conclusion," and Oracle will be allowed to "make its final proposal for a three-week trial of all issues at the final pretrial conference," Alsup said in his ruling this week.

The ruling has positive and negative aspects for Oracle, according to open-source advocate Florian Mueller, who has been following the case closely.

"Come October ... Oracle will find itself in front of both a carrot and a stick. The carrot is the possibility of a trial in the very near term. That could put significant pressure on Google to settle, although I wouldn't be surprised if Google actually took its chances and let this case go to trial," Mueller wrote in a [blog post this week](#). "But the stick is that the judge could still stay the case pending reexamination."

However, the ruling also gives Oracle time to convince Alsup that all of its claims are distinct enough to merit inclusion in the trial, Mueller added.

Oracle and Google did not immediately respond to requests for comment

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Chris Kanaracus covers enterprise software and general technology breaking news for The IDG News Service. Chris's e-mail address is [Chris\\_Kanaracus@idg.com](mailto:Chris_Kanaracus@idg.com)

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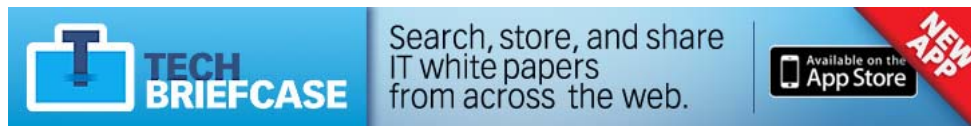
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# SAP hit with \$345M verdict in patent case

Chris Kanaracus

May 16, 2011 ([IDG News Service](#))

A federal jury has ordered SAP to pay Versata Software damages of \$345 million in connection with a patent infringement lawsuit.

The jury's verdict was rendered on Friday in U.S. District Court for the Eastern District of Texas. It awarded Versata \$260 million for lost profits and \$85 million for "reasonable royalties," finding that SAP's software infringed on a patent held by Versata for pricing technology, according to a statement.

"Our patented technology enables Versata customers to deploy best-in-class solutions that competitors simply cannot match," Versata Chief Operating Officer Chris Smith said in a statement. "We cherish and defend the mutually successful, multi-decade relationships resulting from our innovation investment."

Versata had initially won a \$139 million verdict in August 2009, but earlier this year a judge [set the award aside and ordered a new trial](#) to determine damages.

SAP had argued that testimony given by a Versata expert witness on damages should have been stricken because he used an improper methodology.

Judge Charles Everingham IV's ruling at the time found the court had erred when it admitted the testimony, and that the error "affected SAP's substantial rights."

But now SAP may be forced to pay substantially more money than the original verdict specified.

"While SAP is disappointed with today's verdict in the Eastern District of Texas, we respect the Court and its process," SAP said in an e-mailed statement Monday. "This is a complex case. SAP remains confident in the merits. We are reviewing today's judgment and considering all legal options, including appeal."

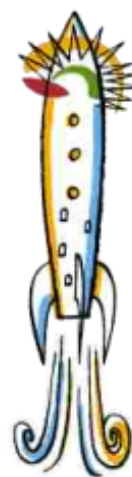
The Versata verdict comes about six months after a [jury in California awarded](#) Oracle \$1.3 billion in connection with its corporate theft suit against SAP. That case centered on illegal downloads made by a former SAP subsidiary, TomorrowNow, which offered lower-cost support for Oracle software.

*Chris Kanaracus covers enterprise software and general technology breaking news for The IDG News Service. Chris's e-mail address is [Chris.Kanaracus@idg.com](mailto:Chris.Kanaracus@idg.com)*

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