



Press Release

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Oracle Policies Anticompetitive, asserts SIA in appeal filed with the U.S. Department of Justice

SAN DIEGO, CA November 17, 2010 – The Service Industry Association has filed an appeal to the U. S. Department of Justice about what it considers as Oracle, Inc’s (ORCL:NASDAQ) anti-competitive policies pertaining to hardware maintenance of Oracle’s Sun Microsystems products. The SIA contends the new policies are directed at the \$2.4 billion dollars of Sun hardware maintenance business currently contracted to Independent Service Organizations (ISOs). SIA believe Oracle’s new hardware maintenance policies are the most onerous of all within the IT service and maintenance industry and are created solely to monopolize the Sun hardware maintenance business.

In the letter filed with the DOJ, SIA contends Oracle’s policies are an abuse of its dominant market position and deliberately prevents ISOs from servicing the hardware break-fix needs of Sun hardware users. In a shift from decades of prior policy, Oracle has restricted access to its operating systems software updates exclusively to users with current hardware maintenance contracts. This effectively prohibits all users needing software support from competitively selecting their hardware maintenance service. Furthermore, according to Oracle’s *published policies*, for those customers who elect to use an ISO initially but later return to Oracle support, Oracle has imposed onerous “Return to Oracle” service restoration fees which are clearly intended to intimidate customers from leaving Oracle support in the first place. The customer is required to select either Oracle for all its Sun hardware maintenance needs or Oracle will deny any type of service to the customer if the customer selects an ISO for any portion of their support needs. Oracle will not allow customers to split its service requirements between Oracle and an ISO.

Specifically, if a customer selects an ISO for hardware maintenance of contemporary (other than end-of-service life) Sun hardware, Oracle will:

- Not support any of the customers Sun hardware (all or nothing)
- Not allow the customer to open a time and materials service call with Oracle
- Charge the customer requalification fees in order to bring the hardware back under Oracle support (Premium Support Qualification Service), and charge an additional reinstatement fee equal to 150% of the last-paid support fee, or 150% of the list technical support price for the system, prorated from the date technical support is being ordered back to the date support lapsed

The Mission of **Service Industry Association** is to create a forum *where service partnerships are made and business transactions are completed* and to serve as a forum where every member can enhance their business and to take collective action for the betterment of the industry whenever necessary. SIA enhances the high-tech Medical and IT industry by promoting an open environment of interdependence & co-operation between manufacturers, independent servicers and users by providing value-adding solutions and choices for customers. For information on SIA go to their website at www.servicenetwork.org.