

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

i2 Technologies, Inc., and
i2 Technologies US, Inc.,

Plaintiffs,

v.

Oracle Corporation, and
Oracle USA, Inc.,

Defendants.

Civil Action No. 6:09-CV-194-LED

JURY TRIAL REQUESTED

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs i2 Technologies, Inc. and i2 Technologies US, Inc. (collectively, “i2”) file this First Amended Complaint for Patent Infringement against Oracle Corporation and Oracle USA, Inc. (collectively, “Oracle”) and state as follows:

THE PARTIES

1. Plaintiff i2 Technologies, Inc. is a corporation organized under the laws of Delaware with its principal place of business at 11701 Luna Road, Dallas, Texas, 75234.
2. Plaintiff i2 Technologies US, Inc. is a corporation organized under the laws of Nevada with its principal place of business at 11701 Luna Road, Dallas, Texas, 75234.
3. Defendant Oracle Corporation is a corporation organized and existing under the laws of Delaware with its principal place of business at 500 Oracle Parkway, Redwood City, California, 94065. Oracle Corporation is qualified to do business in the state of Texas, Filing No. 10507206, and has appointed Corporation Service Company, 701 Brazos Street, Suite 1050, Austin, Texas, 78701, as its agent for service of process.

4. Defendant Oracle USA, Inc. is a corporation organized and existing under the laws of Colorado with its principal place of business at 500 Oracle Parkway, Redwood City, California, 94065. Oracle USA, Inc. is qualified to do business in the state of Texas, Filing No. 11106406, and has appointed Corporation Service Company, 701 Brazos Street, Suite 1050, Austin, Texas, 78701, as its agent for service of process.

5. Oracle manufactures for sale and/or sells software products to consumers in the United States and, more particularly, in the Eastern District of Texas.

JURISDICTION AND VENUE

6. This is an action for patent infringement arising under the patent laws of the United States, Title 35, United States Code. Jurisdiction as to these claims is conferred on this Court by 35 U.S.C. §§ 1331 and 1338(a).

7. Venue is proper in the Eastern District of Texas under 28 U.S.C. §§ 1391 and 1400(b).

8. This Court has personal jurisdiction over Oracle. Oracle has conducted and does conduct business within the State of Texas. Oracle, directly or through intermediaries (including distributors, retailers, and others), ships, distributes, offers for sale, sells, and advertises its products in the United States, the State of Texas, and the Eastern District of Texas. Oracle has purposefully and voluntarily sold one or more of its infringing products with the expectation that they will be purchased by consumers in the Eastern District of Texas. These infringing products have been and continue to be purchased by consumers in the Eastern District of Texas. Oracle has committed acts of patent infringement within the State of Texas and, more particularly, within the Eastern District of Texas.

PATENT INFRINGEMENT

9. i2 incorporates by reference paragraphs 1-8 as if fully set forth herein.

Infringement of United States Patent No. 5,764,543

10. On June 9, 1998, United States Patent No. 5,764,543 (“the ‘543 patent”) entitled “Extensible Model Network Representation System for Process Planning” was duly and legally issued with Brian M. Kennedy as the named inventor after full and fair examination. (Attached hereto as Exhibit 1). All rights and interest in the ‘543 patent are owned by i2 Technologies US, Inc.

11. Oracle makes, uses, sells, offers for sale, exports, supplies, and distributes within and from the United States, Oracle’s E-Business Suite which includes Advanced Supply Chain Planning. Advanced Supply Chain Planning integrates with other Oracle software modules that provide data to Advanced Supply Chain Planning, such as Manufacturing Scheduling, Work in Process, and Flow Manufacturing.

12. Advanced Supply Chain Planning infringes claims 1-9, 12-21, 24, 31, 37, 39, and 40 of the ‘543 patent, either alone or when integrated with other Oracle modules that supply data to Advanced Supply Chain Planning.

Infringement of United States Patent No. 5,930,156

13. On July 27, 1999, United States Patent No. 5,930,156 (“the ‘156 patent”) entitled “Extensible Model Network Representation System for Process Planning” was duly and legally issued with Brian M. Kennedy as the named inventor after full and fair examination. (Attached hereto as Exhibit 2). All rights and interest in the ‘156 patent are owned by i2 Technologies US, Inc.

14. Oracle makes, uses, sells, offers for sale, exports, supplies, and distributes within and from the United States, Oracle’s E-Business Suite which includes Advanced Supply Chain Planning. Advanced Supply Chain Planning integrates with other Oracle modules that supply

data to Advanced Supply Chain Planning, such as Manufacturing Scheduling, Work in Process, and Flow Manufacturing.

15. Advanced Supply Chain Planning infringes system claims 1-9 of the '156 patent, either alone or when integrated with other Oracle modules that supply data to Advanced Supply Chain Planning.

16. The use of Advanced Supply Chain Planning as intended by Oracle, either alone or when integrated with other modules that supply data to Advanced Supply Chain Planning, infringes method claims 10-12 of the '156 patent. Oracle uses Advanced Supply Chain Planning and thus directly infringes claims 10-12 of the '156 patent.

17. In addition, Oracle provides Advanced Supply Chain Planning to consultants and end-user customers in the United States who, in turn, install and use Advanced Supply Chain Planning.

18. Oracle also indirectly infringes by inducement of infringement by end-user customers and consultants, in accordance with 35 U.S.C. § 271(b), because Oracle actively induces infringement of the '156 patent by end-user customers and consultants.

19. Oracle also indirectly infringes the '156 patent by contributing to infringement by end-user customers and consultants, in accordance with 35 U.S.C. § 271(c), because Oracle offers to sell or sells within the United States a component of a patented machine, manufacture, combination, or composition, or a material or apparatus for use in practicing a patented process, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in an infringement of such patent, and not a staple article or commodity of commerce suitable for substantial non-infringing use.

Infringement of United States Patent No. 5,983,194

20. On November 9, 1999, United States Patent No. 5,983,194 (“the ‘194 patent”) entitled “Planning Coordination Systems for Coordinating Separate Factory Planning Systems and a Method of Operation” was duly and legally issued with John C. Hogge, Brian M. Kennedy, and Lamott G. Oren as the named inventors after full and fair examination. (Attached hereto as Exhibit 3). All rights and interest in the ‘194 patent are owned by i2 Technologies US, Inc.

21. Oracle makes, uses, sells, offers for sale, exports, supplies, and distributes within and from the United States, Oracle’s E-Business Suite which includes Collaborative Planning.

22. The use of Collaborative Planning as intended by Oracle infringes method claims 1, 2 and 4-8 of the ‘194 patent. Oracle uses Collaborative Planning and thus directly infringes claims 1, 2, and 4-8 of the ‘194 patent.

23. In addition, Oracle provides Collaborative Planning to consultants and end-user customers in the United States who, in turn, install and use Collaborative Planning.

24. Oracle also indirectly infringes by inducement of infringement by end-user customers and consultants, in accordance with 35 U.S.C. § 271(b), because Oracle actively induces infringement of the ‘194 patent by end-user customers and consultants.

25. Oracle also indirectly infringes the ‘194 patent by contributing to infringement by end-user customers and consultants, in accordance with 35 U.S.C. § 271(c), because Oracle offers to sell or sells within the United States a component of a patented machine, manufacture, combination, or composition, or a material or apparatus for use in practicing a patented process, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in an infringement of such patent, and not a staple article or commodity of commerce suitable for substantial non-infringing use.

26. Collaborative Planning also infringes system claim 9 of the '194 patent.

Infringement of United States Patent No. 6,167,380

27. On December 26, 2000, United States Patent No. 6,167,380 ("the '380 patent") entitled "System and Method for Allocating Manufactured Products to Sellers" was duly and legally issued with Brian M. Kennedy and Christopher D. Burchett as the named inventors after full and fair examination. (Attached hereto as Exhibit 4). All rights and interest in the '380 patent are owned by i2 Technologies US, Inc.

28. Oracle makes, uses, sells, offers for sale, exports, supplies, and distributes within and from the United States, Oracle's E-Business Suite which includes Global Order Promising, Advanced Supply Chain Planning, Collaborative Planning, and Demand Planning.

29. E-Business Suite (as described above) infringes system claims 1-11 and 13 of the '380 patent.

30. The use of E-Business Suite as intended by Oracle infringes method claims 15-25 and 27 of the '380 patent. Oracle uses E-Business Suite and thus directly infringes claims 15-25 and 27 of the '380 patent.

31. In addition, Oracle provides E-Business Suite to consultants and end-user customers in the United States who, in turn, install and use E-Business Suite.

32. Oracle also indirectly infringes by inducement of infringement by end-user customers and consultants, in accordance with 35 U.S.C. § 271(b), because Oracle actively induces infringement of the '380 patent by end-user customers and consultants.

33. Oracle also indirectly infringes the '380 patent by contributing to infringement by end-user customers and consultants, in accordance with 35 U.S.C. § 271(c), because Oracle offers to sell or sells within the United States a component of a patented machine, manufacture,

combination, or composition, or a material or apparatus for use in practicing a patented process, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in an infringement of such patent, and not a staple article or commodity of commerce suitable for substantial non-infringing use.

Infringement of United States Patent No. 7,085,729

34. On August 1, 2006, United States Patent No. 7,085,729 (“the ‘729 patent”) entitled “System and Method for Allocating Manufactured Products to Sellers” was duly and legally issued with Brian M. Kennedy and Christopher D. Burchett as the named inventors after full and fair examination. (Attached hereto as Exhibit 5). All rights and interest in the ‘729 patent are owned by i2 Technologies US, Inc.

35. Oracle makes, uses, sells, offers for sale, exports, supplies, and distributes within and from the United States, Oracle’s E-Business Suite which includes Global Order Promising, Advanced Supply Chain Planning, Collaborative Planning, and Demand Planning.

36. E-Business Suite (as described above) infringes system and software claims 1-9 and 12-20 of the ‘729 patent.

37. The use of E-Business Suite as intended by Oracle infringes method claims 23-31 of the ‘729 patent. Oracle uses E-Business Suite and thus directly infringes claims 23-21 of the ‘729 patent.

38. In addition, Oracle provides E-Business Suite to consultants and end-user customers in the United States who, in turn, install and use E-Business Suite.

39. Oracle also indirectly infringes by inducement of infringement by end-user customers and consultants, in accordance with 35 U.S.C. § 271(b), because Oracle actively induces infringement of the ‘729 patent by end-user customers and consultants.

40. Oracle also indirectly infringes the '729 patent by contributing to infringement by end-user customers and consultants, in accordance with 35 U.S.C. § 271(c), because Oracle offers to sell or sells within the United States a component of a patented machine, manufacture, combination, or composition, or a material or apparatus for use in practicing a patented process, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in an infringement of such patent, and not a staple article or commodity of commerce suitable for substantial non-infringing use.

Infringement of United States Patent No. 7,013,485

41. On March 14, 2006, United States Patent No. 7,013,485 ("the '485 patent") entitled "Computer Security System" was duly and legally issued with Daniel Brown and Fernando Zapata as the named inventors after full and fair examination. (Attached hereto as Exhibit 6). All rights and interest in the '485 patent are owned by i2 Technologies US, Inc.

42. Oracle makes, uses, sells, offers for sale, exports, supplies, and distributes within and from the United States, Oracle Identity and Access Management Suite, including Access Manager, Role Manager, and Identity Manager,.

43. Identity and Access Management Suite (as described above) infringes system and software claims 1-5, 9, 16, 32-26, and 40 of the '485 patent.

44. The use of Identity and Access Management Suite as intended by Oracle infringes method claims 17-21 and 25 of the '485 patent. Oracle uses Identity and Access Management Suite and thus directly infringes claims 17-21 and 25 of the '485 patent.

45. In addition, Oracle provides Identity and Access Management Suite to consultants and end-user customers in the United States who, in turn, install and use Identity and Access Management Suite.

46. Oracle also indirectly infringes by inducement of infringement by end-user customers and consultants, in accordance with 35 U.S.C. § 271(b), because Oracle actively induces infringement of the '485 patent by end-user customers and consultants.

47. Oracle also indirectly infringes the '485 patent by contributing to infringement by end-user customers and consultants, in accordance with 35 U.S.C. § 271(c), because Oracle offers to sell or sells within the United States a component of a patented machine, manufacture, combination, or composition, or a material or apparatus for use in practicing a patented process, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in an infringement of such patent, and not a staple article or commodity of commerce suitable for substantial non-infringing use.

Infringement of United States Patent No. 7,062,540

48. On June 13, 2006, United States Patent No. 7,062,540 ("the '540 patent") entitled "System and Method for Remotely Monitoring and Managing Applications Across Multiple Domains" was duly and legally issued with Padma P. Reddy and Rubesh Mehta as the named inventors after full and fair examination. (Attached hereto as Exhibit 7). All rights and interest in the '540 patent are owned by i2 Technologies US, Inc.

49. Oracle makes, uses, sells, offers for sale, exports, supplies, and distributes within and from the United States, Oracle's Enterprise Manager.

50. The use of Enterprise Manager as intended by Oracle infringes method claims 24-30 of the '540 patent. Oracle uses Enterprise Manager and thus directly infringes claims 24-30 of the '540 patent.

51. In addition, Oracle provides Enterprise Manager to consultants and end-user customers in the United States who, in turn, install and use Enterprise Manager.

52. Oracle also indirectly infringes by inducement of infringement by end-user customers and consultants, in accordance with 35 U.S.C. § 271(b), because Oracle actively induces infringement of the '540 patent by end-user customers and consultants.

53. Oracle also indirectly infringes the '540 patent by contributing to infringement by end-user customers and consultants, in accordance with 35 U.S.C. § 271(c), because Oracle offers to sell or sells within the United States a component of a patented machine, manufacture, combination, or composition, or a material or apparatus for use in practicing a patented process, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in an infringement of such patent, and not a staple article or commodity of commerce suitable for substantial non-infringing use.

Infringement of United States Patent No. 7,065,499

54. On June 20, 2006, United States Patent No. 7,065,499 ("the '499 patent") entitled "Intelligent Order Promising" was duly and legally issued with Vineet Seth and Aamer Rehman as the named inventors after full and fair examination. (Attached hereto as Exhibit 8). All rights and interest in the '499 patent are owned by i2 Technologies US, Inc.

55. Oracle makes, uses, sells, offers for sale, exports, supplies, and distributes within and from the United States, Oracle's E-Business Suite which includes Global Order Promising, Advanced Supply Chain Planning, and Order Management.

56. E-Business Suite (as described above) infringes system and software claims 1-6, 11, 12, 24-28, 31, and 32 of the '499 patent.

57. The use of E-Business Suite as intended by Oracle infringes method claims 14-18, 21, and 22 of the '499 patent. Oracle uses E-Business Suite and thus directly infringes claims 14-18, 21, and 22 of the '499 patent.

58. In addition, Oracle provides E-Business Suite to consultants and end-user customers in the United States who, in turn, install and use E-Business Suite.

59. Oracle also indirectly infringes by inducement of infringement by end-user customers and consultants, in accordance with 35 U.S.C. § 271(b), because Oracle actively induces infringement of the '499 patent by end-user customers and consultants.

60. Oracle also indirectly infringes the '499 patent by contributing to infringement by end-user customers and consultants, in accordance with 35 U.S.C. § 271(c), because Oracle offers to sell or sells within the United States a component of a patented machine, manufacture, combination, or composition, or a material or apparatus for use in practicing a patented process, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in an infringement of such patent, and not a staple article or commodity of commerce suitable for substantial non-infringing use.

Infringement of United States Patent No. 7,412,404

61. On August 12, 2008, United States Patent No. 7,412,404 ("the '404 patent") entitled "Generating, Updating, and Managing Multi-Taxonomy Environments" was duly and legally issued with Manoel Tenorio as the named inventor after full and fair examination. (Attached hereto as Exhibit 9). All rights and interest in the '404 patent are owned by i2 Technologies US, Inc.

62. Oracle makes, uses, sells, offers for sale, exports, supplies, and distributes within and from the United States, iStore.

63. iStore infringes system and software claims 1, 7, 15, 21, and 22 of the '404 patent.

64. The use of iStore as intended by Oracle infringes method claims 8 and 14 of the '404 patent. Oracle uses iStore and thus directly infringes claims 8 and 14 of the '404 patent.

65. In addition, Oracle provides iStore to consultants and end-user customers in the United States who, in turn, install and use iStore.

66. Oracle also indirectly infringes by inducement of infringement by end-user customers and consultants, in accordance with 35 U.S.C. § 271(b), because Oracle actively induces infringement of the '404 patent by end-user customers and consultants.

67. Oracle also indirectly infringes the '404 patent by contributing to infringement by end-user customers and consultants, in accordance with 35 U.S.C. § 271(c), because Oracle offers to sell or sells within the United States a component of a patented machine, manufacture, combination, or composition, or a material or apparatus for use in practicing a patented process, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in an infringement of such patent, and not a staple article or commodity of commerce suitable for substantial non-infringing use.

Infringement of United States Patent No. 7,349,861

68. On March 25, 2008, United States Patent No. 7,349,861 ("the '861 patent") entitled "Value Chain Management" was duly and legally issued with David J. Fischer, Geoffrey M. Squires, Rakesh Sharma, Ramnath Ganesan, Deepak M. Ghodke, and Bharadwaj Rangarajan as the named inventors after full and fair examination. (Attached hereto as Exhibit 10). All rights and interest in the '861 patent are owned by i2 Technologies US, Inc.

69. Oracle makes, uses, sells, offers for sale, exports, supplies, and distributes within and from the United States, Oracle's E-Business Suite which includes Advanced Supply Chain Planning and Collaborative Planning.

70. E-Business Suite (as described above) infringes system and software claims 1-4, 11-14, and 16 of the '861 patent.

71. The use of E-Business Suite as intended by Oracle infringes method claims 7-10 of the '861 patent. Oracle uses E-Business Suite and thus directly infringes claims 7-10 of the '861 patent.

72. In addition, Oracle provides E-Business Suite to consultants and end-user customers in the United States who, in turn, install and use E-Business Suite.

73. Oracle also indirectly infringes by inducement of infringement by end-user customers and consultants, in accordance with 35 U.S.C. § 271(b), because Oracle actively induces infringement of the '861 patent by end-user customers and consultants.

74. Oracle also indirectly infringes the '861 patent by contributing to infringement by end-user customers and consultants, in accordance with 35 U.S.C. § 271(c), because Oracle offers to sell or sells within the United States a component of a patented machine, manufacture, combination, or composition, or a material or apparatus for use in practicing a patented process, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in an infringement of such patent, and not a staple article or commodity of commerce suitable for substantial non-infringing use.

Infringement of United States Patent No. 7,370,009

75. On May 6, 2008, United States Patent No. 7,370,009 ("the '009 patent") entitled "Extreme Capacity Management in an Electronic Marketplace Environment" was duly and legally issued with Ranjit Notani, Vinatha Chaturvedi, Vinayak S. Ghaisas, and Harsha Chaturvedi as the named inventors after full and fair examination. (Attached hereto as Exhibit 11). All rights and interest in the '009 patent are owned by i2 Technologies US, Inc.

76. Oracle makes, uses, sells, offers for sale, exports, supplies, and distributes within and from the United States, Oracle E-Business Suite which includes Oracle Purchasing, Oracle

Master Scheduling/MRP, Oracle Supply Chain Planning, Oracle Capacity, Oracle Inventory, Oracle Sourcing and Oracle Sourcing Optimization.

77. E-Business Suite (as described above) infringes system, software, and computer-readable medium claims 1-5, 7, 20-24, and 26 of the '009 patent.

78. The use of E-Business Suite as intended by Oracle infringes method claims 13-17 and 19 of the '009 patent. Oracle uses E-Business Suite and thus directly infringes claims 13-17 and 19 of the '009 patent.

79. In addition, Oracle provides E-Business Suite to consultants and end-user customers in the United States who, in turn, install and use E-Business Suite.

80. Oracle also indirectly infringes by inducement of infringement by end-user customers and consultants, in accordance with 35 U.S.C. § 271(b), because Oracle actively induces infringement of the '009 patent by end-user customers and consultants.

81. Oracle also indirectly infringes the '009 patent by contributing to infringement by end-user customers and consultants, in accordance with 35 U.S.C. § 271(c), because Oracle offers to sell or sells within the United States a component of a patented machine, manufacture, combination, or composition, or a material or apparatus for use in practicing a patented process, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in an infringement of such patent, and not a staple article or commodity of commerce suitable for substantial non-infringing use.

82. The '543, '156, '194, '380, '729, '485, '540, '499, '404, '861, and '009 patents are collectively referred to herein as the "Patents-in-Suit."

COUNT ONE—PATENT INFRINGEMENT

83. Oracle has infringed and/or continues to infringe one or more claims of the Patents-in-Suit as set forth above. Oracle is liable for direct infringement, as well as indirect infringement by way of inducement and/or contributory infringement, for each of the Patents-in-Suit pursuant to 35 U.S.C. § 271 (a), (b), (c), and/or (f) as set forth above. For i2's claims of indirect infringement, Oracle's end-user customers and consultants are direct infringers of the Patents-in-Suit.

84. Oracle's acts of infringement have caused damage to i2. i2 is entitled to recover from Oracle the damages sustained by i2 as a result of Oracle's wrongful acts in an amount subject to proof at trial. In addition, the infringing acts and practices of Oracle has caused, is causing, and, unless such acts and practices are enjoined by the Court, will continue to cause immediate and irreparable harm to i2 for which there is no adequate remedy at law, and for which i2 is entitled to injunctive relief under 35 U.S.C. § 283.

85. Oracle has received actual notice of infringement by virtue of the filing of this lawsuit. Oracle has also received constructive notice, as i2 has complied with the requirements of 35 U.S.C. § 287.

DEMAND FOR JURY TRIAL

i2 hereby demands a jury for all issues so triable.

PRAYER

WHEREFORE, i2 prays for judgment as follows:

1. that Oracle has infringed, directly and/or indirectly, one or more claims of the Patents-in-Suit;
2. requiring Oracle to pay i2's actual damages;

3. requiring Oracle to pay i2 supplemental damages for any continuing post-verdict infringement up until entry of the final judgment , together with an accounting as needed;

4. requiring Oracle to pay to i2 pre-judgment and post-judgment interest on the damages awarded at the maximum rate provided by law;

5. requiring Oracle to pay to i2 all costs of this action

6. requiring Oracle to pay attorneys' fees under 35 U.S.C. § 285;

7. enjoining Oracle, its agents, employees, representatives, successors and assigns, and those acting in privity or in concert with them from further infringement of the Patents-in-Suit;

8. in the event a final injunction is not awarded, awarding a compulsory ongoing royalty; and

9. such other and further relief as the Court deems just and equitable.

DATED: April 5, 2010.

Respectfully submitted,

McKOOL SMITH, P.C.

/s/ Sam Baxter

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**ATTORNEYS FOR PLAINTIFFS
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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to FED. R. CIV. P. 5(d) and Local Rule CV-5(e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by U.S. mail, on April 5, 2010.

/s/ Christopher Bovenkamp
Christopher Bovenkamp