

# Victory at Trial and on Appeal in \$60+ Million Licensing Dispute

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| Client:      | <b>CA Technologies (formerly CA Inc.)</b>   |
| Industry:    | Enterprise software   |
| Area of Law: | Software license, open-source software litigation   |
| Venues:      | Delaware Supreme Court,<br>Delaware Chancery Court  |
| Result:      | Affirmed a lower court decision that rejected a \$60 million claim against CA and instead awarded \$2 million in fees and costs to our client |



At stake in *CA Inc. v. Ingres Corp.* were substantial contractual, financial and customer relationships—both for CA, a \$4.3 billion public company, and Ingres, a software company to which CA spun off its open-source Ingres database in 2005. License and support issues arose when Ingres failed to honor obligations to support CA customers who were using the database. Ingres also claimed that its license with CA did not cover certain instances where its database was embedded in CA products. Ingres sued CA in California before CA’s Pillsbury-led litigation team filed suit in Delaware seeking an expedited trial.

Pillsbury maneuvered through a series of motions on both coasts, large-scale e-discovery (an expedited review of a 700,000-document production), source code review, and 23 depositions (most compressed into two weeks), taking the case from complaint to trial in just six months.

By trial, Ingres had upped its initial demand from \$30 million to more than \$60 million. But after hearing Pillsbury’s cross-examinations of Ingres’ witnesses, including a key witness whom Pillsbury had to cross-examine without deposing beforehand, the Delaware Chancery Court’s 123-page opinion gave a definitive victory to CA, awarding nothing to Ingres and instead ordering the plaintiff to pay CA’s attorneys’ fees and costs on one of the license issues. The Delaware Supreme Court affirmed the decision in full on appeal.

*“After a trial, the Court of Chancery ruled substantially in favor of CA, awarded CA \$2.25 million in fees and costs, and enjoined Ingres from prosecuting the California Action...”*

*“We find no merit to Ingres’ appeal and affirm on the basis of and for the reasons assigned by the Court...”*

—Justice Henry duPont Ridgely, Delaware Supreme Court