

# HP vs. Oracle: Battle Of The High-Tech Titans

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It makes great copy when business litigation pits a David vs. a Goliath. A small upstart company, toiling away in its hometown, unknown to the world, becomes the target of a huge multinational player, or sues the huge company, claiming that the practices or actions of the household name have damaged it through use of technology or other intellectual property owned or created by the upstart. Those who like to root for the underdog have no problem identifying where their sympathies lie in such a dispute, sometimes irrespective of the merits.

But it's also fascinating when two of the big boys duke it out, companies that have unlimited resources to wage legal war, behemoths facing off against one another in oversized disputes borne out of clashing personalities, the desire to crush major competitors and dominate the market, or perhaps more noble causes.

Such a contest has now been joined between two high-tech titans, Hewlett-Packard and Oracle, rearing its head as a lawsuit based on breach of implied contract (and other legal grounds). HP claims that Oracle's plan to stop supporting software on systems that run Intel's Itanium chip, systems used by 140,000 HP customers, violates understandings and agreements between the parties. The precise nature of the claims is somewhat fuzzy because HP filed a redacted complaint and Motion To Seal Records. Oracle responded, filing this intriguing [Opposition To Motion To Seal Records](#).

The case is complicated by the fact that Oracle hired HP's former CEO, Mark Hurd in 2010. Add to the mix Oracle's earlier acquisition of Sun Microsystems, which made it a hardware player and direct HP competitor, and one can see why this Goliath vs. Goliath dispute has all the earmarks of a thrilling oversized drama.

Schein & Cai, advises high tech and other companies in the Silicon Valley and beyond, including San Jose, Santa Clara, Mountain View, Sunnyvale, Morgan Hill, Oakland, San Francisco, Palo Alto, San Mateo, Santa Cruz, South San Francisco, Daly City, Cupertino, Saratoga and Emeryville.

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