IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

SUN MICROSYSTEMS, INC., Plaintiff, v. VERSATA ENTERPRISES, INC., VERSATA SOFTWARE, INC., VERSATA DEVELOPMENT GROUP, INC., VERSATA COMPUTER INDUSTRY SOLUTIONS, INC., VERSATA, INC., TRILOGY, INC., and NEXTANCE, INC., Defendants.	CIVIL ACTION NO. 07-782-JJF

PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION FOR EXTENSION OF TIME TO ANSWER, MOVE OR OTHERWISE RESPOND TO THE COMPLAINT

Plaintiff, Sun Microsystems, Inc. ("Sun"), submits this opposition to Defendants' motion to extend the time to answer, move or otherwise respond to the Complaint. (D.I. 17.) For the reasons set forth herein, Defendants' motion should be denied.

1. Defendants' motion is unnecessary. As shown by Exhibit B to Defendants' motion, Sun told Defendants' counsel that Sun would agree to a two-week courtesy extension to Defendants' time to answer Sun's Complaint. Sun was not willing, however, to agree to an extension that was intended to delay the schedule in this case.

2. In connection with the parties' discussions concerning extending the time for Defendants' answer, Sun requested that Defendants' counsel agree to conduct a Rule 26(f) meet and confer during the week of December 17, 2007. Based on the Court's December 13, 2007 Order scheduling the Rule 16 Conference in this case for January 11, 2008, the parties are required to hold the meet and confer by December 21, 2007.

3. Defendants' counsel argue they are unable to answer the Complaint unless Sun specifically identifies the infringing products. They also argue that such identification is a necessary prerequisite to the Rule 26 meet and confer. Sun's Complaint, however, is proper and the authority relied upon by Defendants does not hold otherwise. Moreover, the identification sought by Defendants is not necessary for the parties to meet and confer concerning a case management schedule, and Defendants' conduct suggests that Defendants are interested in using any excuse to delay proceedings in this case.

4. Defendants state that Sun's conduct is improper since a 30 day extension to answer a Complaint is "customary" and Defendants provided Sun with such an extension in connection with the Texas case in which certain of the Defendants sued Sun. The time for responding to a Complaint is specified in the Federal Rules of Civil Procedure and Sun is not aware of any "custom" that extends this deadline. Moreover, Sun did not seek or obtain an extension to its answer date in the Texas lawsuit and Defendants' statement to the contrary is incorrect. Rather, Sun served its answer within the time provided for by the Federal Rules of Civil Procedure.

5. As noted, Sun was nonetheless willing to allow Defendants an additional two weeks to answer the Complaint, which should be more than adequate. In fact, Defendants likely could have answered Sun's six-page Complaint in less time than was required to seek the present extension. Defendants' motion should therefore be denied.

DATED: December 20, 2007

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Michael A. Barlow, hereby certify that on December 20, 2007, I electronically filed the foregoing with the Clerk of the Court using CM/ECF, which will send notification of such filing to the following:

Karen Jacobs Louden kjlefiling@mnat.com

I also certify that copies were caused to be served on December 20, 2007 upon the following in the manner indicated:

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