


Palisade Compliance and Mars: Oracle Audit Defense and Dispute Resolution

BACKGROUND

Many people have heard the story of Mars v. Oracle. Even today, it's still the only case that has been brought into the courts where Oracle's non-contractual claims on licensing software running on VMware technologies were at issue. If you don't know the story, you can find the Mars complaint [here](#).

What most people don't know, however, is how Palisade Compliance helped Mars defend itself from the Oracle sales and audit onslaught. The story of Mars shows how effectively the Palisade Compliance team can assist client companies, governments, and counsel in their disputes with Oracle, so our clients can focus on their business, support their customers, and not be consumed by Oracle challenges.

PROBLEM

By the time Mars and Palisade Compliance started working together, Mars was already in a bitter licensing audit dispute with Oracle. Oracle's LMS organization was demanding Mars run scripts and give Oracle information that had nothing to do with the use of Oracle software. Mars refused, and Oracle issued a breach notice. Basically, Oracle was saying (to paraphrase) "give us all the information we want, or we are going to shut down your systems." That's when Mars reached out to Palisade Compliance for help with their Oracle dispute.

SOLUTION

Palisade Compliance worked closely with Mars's outside counsel to formulate a strategy designed to have Oracle rescind the breach notice and get back to the business at hand, ensuring a full and proper audit of Mars's use of Oracle software. This strategy worked: the breach notice was rescinded quickly. Mars and Oracle were talking again.

Unfortunately, Oracle wasn't backing down from their demands to get information around the use of VMware software. Despite working together and providing Oracle over 233,089 pages of information on the use of Oracle software, Oracle once again issued a breach notice threatening Mars's business. The difference this time was that Mars was ready for the fight. Palisade Compliance was able to advise

Mars and outside counsel of Oracle's next steps so Mars would be prepared. While Oracle was pursuing the audit and drafting yet another breach notice, Mars and Palisade were working with counsel on a complaint that would be filed in US federal court demanding a trial to put this issue to rest once and for all.

Using this strategy, Mars did indeed file a lawsuit against Oracle. Again, it's still the only one that has been filed around this issue of licensing Oracle when it is running on VMware. Several days after the lawsuit was filed, the matter was settled outside the public view. We can't tell you anything that happened outside what's been filed publicly; however, one thing we can tell you is that Mars and Palisade Compliance continue our work together. That says plenty about the role Palisade Compliance played in helping Mars.

If you find yourself in a dispute with Oracle, you must defend yourself from Oracle's claims, and create a strategy that brings the dispute to a close on terms that are favorable to you. Palisade Compliance assists both our clients and our partner legal firms in their disputes, and just as important, in their resolutions with Oracle. Reach out to Palisade Compliance today for more information on our Oracle audit defense and dispute resolution services.

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