

No. 20-1057

---

---

IN THE  
**Supreme Court of the United States**

ORACLE AMERICA, INC.,

*Petitioner,*

v.

UNITED STATES AND AMAZON WEB SERVICES, INC.,

*Respondents.*

---

**On Petition For A Writ Of Certiorari  
To The United States Court Of Appeals  
For The Federal Circuit**

---

**BRIEF IN OPPOSITION**

---

|                                |                               |
|--------------------------------|-------------------------------|
| DANIEL R. FORMAN               | MARK A. PERRY                 |
| ROBERT J. SNECKENBERG          | <i>Counsel of Record</i>      |
| CROWELL & MORING LLP           | KELLAM M. CONOVER             |
| 1001 Pennsylvania Avenue, N.W. | GIBSON, DUNN & CRUTCHER LLP   |
| Washington, D.C. 20004         | 1050 Connecticut Avenue, N.W. |
| (202) 624-2504                 | Washington, D.C. 20036        |
|                                | (202) 955-8500                |
|                                | MPerry@gibsondunn.com         |

*Counsel for Respondent  
Amazon Web Services, Inc.*

---

---

## **QUESTIONS PRESENTED**

1. Whether the court of appeals correctly concluded that, because petitioner could not meet the government's requirements for participating in a procurement, petitioner could not challenge the structure of that procurement.

2. Whether the court of appeals correctly concluded that the procurement was not prejudiced by any of the personal conflicts of interest alleged by petitioner.

**RULE 29.6 STATEMENT**

Respondent Amazon Web Services, Inc. states that Amazon.com, Inc. is respondent's parent corporation and indirectly owns 100% of respondent's stock.

### **ADDITIONAL RELATED PROCEEDINGS**

In addition to the proceedings identified in the petition, the following proceedings are directly related to this case within the meaning of Rule 14.1(b)(iii):

- *Amazon Web Servs., Inc. v. United States*, No. 19-cv-1796 (Fed. Cl. filed Nov. 22, 2019)
- *Oracle Am., Inc., B-416657 et al.*, 2018 CPD ¶ 391 (Comp. Gen. Nov. 14, 2018)

**TABLE OF CONTENTS**

|                                                                          | <b>Page</b> |
|--------------------------------------------------------------------------|-------------|
| BRIEF IN OPPOSITION .....                                                | 1           |
| STATEMENT .....                                                          | 2           |
| REASONS FOR DENYING THE PETITION.....                                    | 6           |
| I. The Alleged Personal Conflicts Are<br>Intensely Fact-Bound.....       | 7           |
| II. The Alleged Personal Conflicts Are<br>Not Outcome-Determinative..... | 8           |
| CONCLUSION .....                                                         | 11          |

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.