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Mastering Oracle PL/SQL: Practical Solutions CONNOR MCDONALD, WITH CHAIM KATZ, CHRISTOPHER BECK,

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Delaware Court Rules on Reverse Triangular Mergers and

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Akorn, Inc. v. Fresenius Kabi AG, C.A. No. 2018-0300-JTL at 114 (Del. Ch. Oct. 1, 2018) ("Akorn also relies on Fresenius's specific commitment to 'take all actions necessary' to secure antitrust clearance, which the Merger Agreement states shall require efforts that 'shall be unconditional and shall not be qualified in any manner.'").

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Servs. Inc. v. All Source Freight Solutions, Inc., No. 11-3901 (JAP), (D.N.J. Mar. 13, 2012)). Like the SQL court, the DBA court found that the target underwent a "fundamental change in its form of ownership" when it became a wholly owned subsidiary of the buyer (DBA, , at \*4).

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Assignability of IP Licenses in Reverse Mergers: Will  
SQL ...

The plaintiffs further argued that the Court should  
embrace an unreported California federal court decision,  
SQL Solutions Inc. v. Oracle Corporation, 1991 WL  
626458 (N.D. Cal. Dec. 19, 1991), that held that an anti-

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assignment provision in a software license agreement that did not contain a change of ownership or control provision was triggered by a reverse triangular merger.

Obscure Case Could Impact Assignment of Software Licenses ...

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SQL Data Solutions Inc.,  
Solutions, Inc. ("SQL"). Under general corporate law precepts, it would seem that D&N had not assigned or

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transferred the Oracle agreement, since D&N (later called SQL) was the surviving entity. Oracle asserted, however, that because D&N had not obtained Oracle's consent to assign or transfer the

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The plaintiffs further argued that the Court should embrace an unreported California federal court decision, *SQL Solutions Inc. v. Oracle Corporation*, 1991 WL 626458 (N.D. Cal. Dec. 19, 1991), that held that an anti-assignment provision in a software license agreement that did not contain a change of ownership or control provision was triggered by a reverse triangular merger.

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file system and no functionality ...

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That a ...

About SQL Data Solutions: SQL Data Solutions provides an affordable and flexible DBA solution to fit your unique needs. Our services range from 24x7 monitoring and preventative maintenance to performance tuning, backup and recovery, and object management for Oracle and Microsoft SQL Server database environments.

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