

UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE

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: **Chapter 11**
: **Case No. 08-12229 (MFW)**
: **(Jointly Administered)**
: **Re: Docket No. 1671**
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**ORDER APPROVING THE REJECTION
OF EXECUTORY CONTRACTS OR UNEXPIRED LEASES**

Upon the motion, dated March 9, 2009 (the "Rejection Procedures Motion"), of Washington Mutual, Inc. ("WMI") and WMI Investment Corp. ("WMI Investment"), as debtors and debtors in possession (collectively, the "Debtors"), for entry of an order, pursuant to sections 105(a) and 365 of title 11 of the United States Code (the "Bankruptcy Code") and Rule 6006 of the Federal Rules of Bankruptcy Procedure, for authorization to, among other things, establish expedited procedures (the "Rejection Procedures") for the rejection of executory contracts and unexpired leases, all as more fully set forth in the Rejection Procedures Motion; and the Court having entered an order, dated March 25, 2009, approving, among other things, the Rejection Procedures (the "Procedures Order") [Docket No. 817]; and the Court having jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; and this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and the Debtors having properly filed and served a rejection notice, dated September 29, 2009 (the "Rejection Notice"), in accordance with the terms of the Procedures

¹ The Debtors in these chapter 11 cases along with the last four digits of each Debtor's federal tax identification number are: (i) Washington Mutual, Inc. (3725); and (ii) WMI Investment Corp. (5395). The Debtors' principal offices are located at 1301 Second Avenue, Seattle, Washington 98101.



Order in respect of the Contracts² and Leases listed on Exhibit A hereto (the “Rejected Contracts and Leases”); and no timely objections having been filed to the rejection of the Rejected Contracts and Leases; and due and proper notice of the Procedures Order and Rejection Notice having been provided, and it appearing that no other notice need be provided; and after due deliberation and sufficient cause appearing therefor, it is hereby

ORDERED that, pursuant to sections 105(a) and 365(a) of the Bankruptcy Code, the Debtors’ rejection of the Rejected Contracts and Leases is hereby approved, with such rejection deemed effective as of the date set forth in the Rejection Notice; and it is further

ORDERED that any claims against the Debtors arising from the rejection of the Rejected Contracts and Leases must be filed in accordance with the procedures for filing of proofs of claim as set forth in the Procedures Order; and it is further

ORDERED that the Debtors are authorized to take any action necessary to implement the terms of this Order and the rejection of the Rejected Contracts and Leases without further order of the Court; and it is further


ORDERED that, in connection with the Debtors’ obligation, if any, under the Rejected Contracts and Leases to return or certify the destruction of property licensed or confidential information obtained pursuant to the Rejected Contracts and Leases, upon termination or expiration thereof, the Debtors’ rights are reserved to assert any and all claims against JPMorgan Chase Bank, N.A. (“JPMorgan”) for contribution, reimbursement, indemnification or otherwise with respect to any such obligations and corresponding liabilities incurred by the Debtors as a direct or indirect result of JPMorgan’s refusal to return or provide certification of destruction of property or confidential information in JPMorgan’s possession

² Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Procedures Order.

arising from or related to a Rejected Contract or Lease, including, without limitation, all costs, attorneys' fees, and expenses incurred by the Debtors in connection therewith; provided, however, that nothing herein shall prejudice JPMorgan's right to contest any claims so asserted by the Debtors, any parties to the Rejected Contracts, or any other party in interest in this case; and it is further

ORDERED that this Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation and/or enforcement of this Order.

Dated: Wilmington, Delaware
Nov. 4, 2009



THE HONORABLE MARY F. WALRATH
UNITED STATES BANKRUPTCY JUDGE

Exhibit ASchedule 1

| Counterparty | Title of Agreement | Contract Notice Address | Effective Date of Rejection |
|--------------------|---|--|-----------------------------|
| IXI Corporation | Master License Agreement dated December 19, 2003; Product License Attachment for Investyles™ Products dated December 19, 2003; Input Data Attachment dated December 19, 2003; Order Form # 961498 dated December 22, 2006. | IXI Corporation 6845 Elm Street McLean, VA 22101 | October 6, 2009 |
| Oracle Corporation | Software License and Services Agreement dated November 9, 1995 between Oracle Corporation and Washington Mutual, Inc. (as successor by assignment to Washington Mutual Bank) as amended by Amendment One dated May 21, 1997, Amendment Two dated August 29, 2003, and Amendment Three dated May 29, 2005 and Ordering Document No. 1799889 dated May 29, 2005 as amended by Amendment One dated May 31, 2006. | Oracle Corporation 500 Oracle Parkway Redwood City, CA 94805 | October 6, 2009 |