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 18 TOMORROWNOW, INC.

19 UNITED STATES DISTRICT COURT  
 20 NORTHERN DISTRICT OF CALIFORNIA  
 21 OAKLAND DIVISION

22 ORACLE USA, INC., et al.,  
 23 Plaintiffs,  
 24 v.  
 25 SAP AG, et al.,  
 26 Defendants.

Case No. 07-CV-1658 PJH (EDL)

**[PROPOSED] ORDER GRANTING  
 DEFENDANTS' ADMINISTRATIVE  
 MOTION TO PERMIT DEFENDANTS'  
 TO FILE UNDER SEAL PLAINTIFFS'  
 DOCUMENTS IN SUPPORT OF  
 DEFENDANTS' OFFER OF PROOF  
 RE: THE AT-RISK REPORT AND  
 IMPACT ON DAMAGES ANALYSIS**

1 Having considered (1) Defendants' Administrative Motion to File Under Seal Plaintiffs'  
2 Documents in Support of Defendants' Offer of Proof Regarding the At-Risk Report and Impact  
3 on Damages Analysis; (2) Declaration of Jason McDonell in Support of Defendants'  
4 Administrative Motion to File Under Seal; (3) Stipulation to Permit Defendants to File Under  
5 Seal; (4) Defendants' Offer of Proof Regarding the At-Risk Report and Impact on Damages  
6 Analysis, and (5) Exhibits A, B, and L to the Defendants' Offer of Proof Regarding the At-Risk  
7 Report and Impact on Damages Analysis:

8 IT IS HEREBY ORDERED THAT: Defendants' motion is GRANTED. The Clerk of the  
9 Court shall file under seal the following documents and portions of documents:

- 10 • Portions of Defendants' Offer of Proof Regarding the At-Risk Report and Impact on  
11 Damages Analysis: portions at 3:19-27 and 4:22-5:4;
- 12 • Exhibit A to Defendants' Offer of Proof;
- 13 • Exhibit B to Defendants' Offer of Proof; and
- 14 • Exhibit L to Defendants' Offer of Proof.

15  
16 DATED: \_\_\_\_\_

By: \_\_\_\_\_  
Hon. Phyllis J. Hamilton