

1 Robert A. Mittelstaedt (SBN 060359)
 Jason McDonell (SBN 115084)
 2 Elaine Wallace (SBN 197882)
 JONES DAY
 3 555 California Street, 26th Floor
 San Francisco, CA 94104
 4 Telephone: (415) 626-3939
 Facsimile: (415) 875-5700
 5 ramittelstaedt@jonesday.com
 jmcdonell@jonesday.com
 6 ewallace@jonesday.com

7 Tharan Gregory Lanier (SBN 138784)
 Jane L. Froyd (SBN 220776)
 8 JONES DAY
 1755 Embarcadero Road
 9 Palo Alto, CA 94303
 Telephone: (650) 739-3939
 10 Facsimile: (650) 739-3900
 tglanier@jonesday.com
 11 jfroyd@jonesday.com

12 Scott W. Cowan (Admitted *Pro Hac Vice*)
 Joshua L. Fuchs (Admitted *Pro Hac Vice*)
 13 JONES DAY
 717 Texas, Suite 3300
 14 Houston, TX 77002
 Telephone: (832) 239-3939
 15 Facsimile: (832) 239-3600
 swcowan@jonesday.com
 16 jl fuchs@jonesday.com

17 Attorneys for Defendants
 SAP AG, SAP AMERICA, INC., and
 18 TOMORROWNOW, INC.

19 UNITED STATES DISTRICT COURT
 20 NORTHERN DISTRICT OF CALIFORNIA
 21 SAN FRANCISCO DIVISION

23 **ORACLE CORPORATION, et al.,**

24 **Plaintiffs,**

25 **v.**

26 **SAP AG, et al.,**

27 **Defendants.**

CASE NO. 07-CV-1658 PJH (EDL)

**DEFENDANTS' ADMINISTRATIVE
 MOTION TO FILE THE
 DECLARATION OF SCOTT W. COWAN
 IN SUPPORT OF DEFENDANTS'
 DOCUMENT REVIEW AND
 PRODUCTION COSTS UNDER SEAL;
 DECLARATION OF JOSHUA L. FUCHS
 IN SUPPORT**

Defendant's Administrative Motion to File the
 Declaration of Scott W. Cowan Under Seal
 No. 07-CV-1658 PJH (EDL)

1 Pursuant to Local Rules 7-11(a) and 79-5(c), Defendants SAP AG, SAP America, Inc.,
2 and TomorrowNow, Inc., (“Defendants”) request that the Court order the Clerk of the Court to
3 file under seal the Declaration of Scott W. Cowan in Support of Defendants’ Estimated
4 Document Review and Production Costs (“Declaration”) that Defendants lodged with the Court
5 on July 8, 2008. The requested relief is necessary and narrowly tailored to protect the
6 confidentiality of the pricing structure offered by two companies retained by Defendants to
7 assist in their discovery obligations. This request is supported by the declaration of Joshua L.
8 Fuchs below.
9

10 Pursuant to Local Rule 79-5, a proposed order accompanies this request to file the
11 Declaration under seal.
12

13 Dated: July 8, 2008

Respectfully submitted,

Jones Day

16 By: /s/ Jason McDonell
Jason McDonell

17 for Defendants
18
19
20
21
22
23
24
25
26
27
28

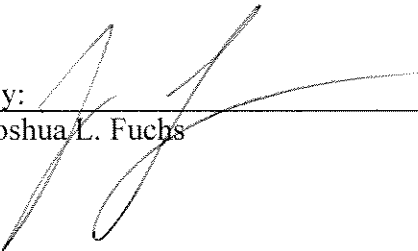
1 **DECLARATION OF JOSHUA L. FUCHS IN SUPPORT OF DEFENDANTS’**
2 **ADMINISTRATIVE MOTION TO FILE THE DECLARATION OF SCOTT W. COWAN**
3 **IN SUPPORT OF DEFENDANTS’ DOCUMENT REVIEW AND PRODUCTION COSTS**
4 **UNDER SEAL**

5 Based on my personal knowledge, information and belief, I, Joshua L. Fuchs, declare:

- 6 1. My name is Joshua L. Fuchs. I am an attorney and associate with the law firm of Jones
7 Day, which represents Defendants in this case. I have been practicing law for 7 years
8 and am admitted to practice before the United States District Court for the Southern and
9 Eastern Districts of Texas. I have been admitted *pro hac vice* in this case and am
10 routinely admitted to practice *pro hac vice* in other jurisdictions outside of my home
11 state, Texas. I have personal knowledge of the facts set forth herein and, if called as a
12 witness, I could and would competently testify thereto.
- 13 2. I make this declaration in support of Defendants’ Administrative Motion to File the
14 portions of the Declaration of Scott W. Cowan Under Seal.
- 15 3. The requested relief is necessary and narrowly tailored to protect the confidentiality of
16 certain trade secret information. Specifically, both Forensic Consulting Solutions, Inc.
17 (“FCS”) and Providus believe that the specific pricing information contained in the
18 Declaration of Scott W. Cowan is not generally available or known to the public,
19 competitors or to other persons who can obtain economic value from the pricing
20 information disclosure and should be redacted. After a review of the Declaration of
21 Scott W. Cowan, both FCS and Providus expressed the belief that competitors and
22 consumers will gain a competitive advantage if the specific pricing information that
23 they request be redacted is revealed to the public. Based on FCS’s and Providus’
24 concerns, the Declaration of Scott W. Cowan has been narrowly redacted to only
25 remove that specific pricing information that FCS and Providus claim as trade secrets.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I declare under penalty of perjury under the law of the United States that the foregoing is true and correct. Executed July 8, 2008.

By: 
Joshua L. Fuchs