

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 jlfuchs@jonesday.com

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

BINGHAM McCUTCHEN LLP  
 DONN P. PICKETT (SBN 72257)  
 GEOFFREY M. HOWARD (SBN 157468)  
 BREE HANN (SBN 215695)  
 Three Embarcadero Center  
 San Francisco, CA 94111-4067  
 Telephone: (415) 393-2000  
 Facsimile: (415) 393-2286  
 donn.pickett@bingham.com  
 geoff.howard@bingham.com  
 bree.hann@bingham.com

BOIES, SCHILLER & FLEXNER LLP  
 DAVID BOIES (Admitted *Pro Hac Vice*)  
 333 Main Street  
 Armonk, NY 10504  
 Telephone: (914) 749-8200  
 dboies@bsflp.com  
 STEVEN C. HOLTZMAN (SBN 144177)  
 1999 Harrison St., Suite 900  
 Oakland, CA 94612  
 Telephone: (510) 874-1000  
 sholtzman@bsflp.com

DORIAN DALEY (SBN 129049)  
 JENNIFER GLOSS (SBN 154227)  
 500 Oracle Parkway, M/S 5op7  
 Redwood City, CA 94070  
 Telephone: (650) 506-4846  
 Facsimile: (650) 506-7114  
 dorian.daley@oracle.com  
 jennifer.gloss@oracle.com

Attorneys for Plaintiff  
 ORACLE INTERNATIONAL  
 CORPORATION

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

23 ORACLE USA, INC., et al.,

24 Plaintiffs,

25 v.

26 SAP AG, et al.,

27 Defendants.  
 28

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

**STIPULATION TO PERMIT  
 DEFENDANTS TO FILE UNDER  
 SEAL ORACLE'S INFORMATION  
 IN SUPPORT OF DEFENDANTS'  
 TRIAL BRIEF**

1 Pursuant to Local Rules 7-11(a) and 79-5(c), Plaintiff Oracle International Corporation  
2 (“Oracle”) and Defendants SAP AG, SAP America, Inc., and TomorrowNow, Inc. (“Defendants,”  
3 and together with Oracle, the “Parties”) jointly submit this Stipulation to Permit Defendants to  
4 File under Seal Oracle’s Information in Support of Defendants’ Trial Brief.

5 WHEREAS, Defendants filed on April 26, 2012, at Oracle’s request, (1) the  
6 Administrative Motion to Permit Defendants to File under Seal Oracle’s Information in Support  
7 of Defendants’ Trial Brief; (2) the Declaration of Tharan Gregory Lanier in Support of  
8 Defendants’ Administrative Motion to Permit Defendants to File under Seal Oracle’s Information  
9 in Support of Defendants’ Trial Brief; and (3) the [Proposed] Order Granting Defendants’  
10 Administrative Motion to Permit Defendants to File under Seal Oracle’s Information in Support  
11 of Defendants’ Trial Brief;

12 WHEREAS the requested relief is necessary and narrowly tailored to protect the  
13 confidentiality of the material put at issue by Defendants’ Trial Brief until such time as the Court  
14 makes a final ruling as to confidentiality of the relevant subject matter. Specifically, portions of  
15 Defendants’ Trial Brief contain information designated by Oracle as “Highly Confidential -  
16 Attorneys’ Eyes Only” pursuant to the Stipulated Protective Order in this case.

17 NOW, THEREFORE, IT IS HEREBY STIPULATED by the Parties, through their  
18 respective counsel of record, that Defendants be permitted to move for permission to file under  
19 seal portions of Defendants’ Trial Brief. While the Parties agree that Defendants’ concurrently  
20 filed Trial Brief may be publicly filed, the Parties also agree that the filing shall not be construed  
21 as a waiver of any confidentiality designation or other protection with respect to documents,  
22 transcripts, or other information referred to in, or that serve as the basis for, the allegations or  
23 arguments made in them.

24 **IT IS SO STIPULATED.**

1 DATED: April 26, 2012

JONES DAY

2

By: /s/ Tharan Gregory Lanier

3

Tharan Gregory Lanier

4

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

5

6

In accordance with General Order No. 45, Rule X, the above signatory attests that

7

concurrence in the filing of this document has been obtained from the signatory below.

8

DATED: April 26, 2012

BINGHAM McCUTCHEN LLP

9

By: /s/ Geoffrey M. Howard

10

Geoffrey M. Howard

11

Attorneys for Plaintiff  
ORACLE INTERNATIONAL  
CORPORATION

12

13

SVI-107542v1

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28