

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 McCUTCHEM 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.

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

**STIPULATION TO PERMIT
 DEFENDANTS TO FILE UNDER
 SEAL ORACLE'S INFORMATION
 IN SUPPORT OF DEFENDANTS'
 OPPOSITIONS TO ORACLE'S
 MOTIONS *IN LIMINE***

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’ Oppositions to Oracle’s Motions
5 *in Limine*.

6 WHEREAS, Defendants filed on May 10, 2012, at Oracle’s request, (1) the
7 Administrative Motion to Permit Defendants to File under Seal Oracle’s Information in Support
8 of Defendants’ Oppositions to Oracle’s Motions *in Limine*; (2) the Declaration of Tharan Gregory
9 Lanier in Support of Defendants’ Administrative Motion to Permit Defendants to File under Seal
10 Oracle’s Information in Support of Defendants’ Oppositions to Oracle’s Motions *in Limine*; and
11 (3) the [Proposed] Order Granting Defendants’ Administrative Motion to Permit Defendants to
12 File under Seal Oracle’s Information in Support of Defendants’ Oppositions to Oracle’s Motions
13 *in Limine*;

14 WHEREAS the requested relief is necessary and narrowly tailored to protect the
15 confidentiality of the material put at issue by Defendants’ Oppositions to Oracle’s Motions *in*
16 *Limine* (“Defendants’ Oppositions”) until such time as the Court makes a final ruling as to
17 confidentiality of the relevant subject matter. Specifically, Exhibit 8 to the Declaration of Tharan
18 Gregory Lanier in Support of Defendants’ Oppositions to Oracle’s Motions *in Limine* (“Lanier
19 Declaration”) contains information designated by Oracle as “Highly Confidential - Attorneys’
20 Eyes Only” pursuant to the Stipulated Protective Order in this case.

21 NOW, THEREFORE, IT IS HEREBY STIPULATED by the Parties, through their
22 respective counsel of record, that Defendants be permitted to move for permission to file under
23 seal Exhibit 8 to the Lanier Declaration. While the Parties agree that Defendants’ concurrently
24 filed Oppositions and Lanier Declaration may be publicly filed, the Parties also agree that the
25 filing shall not be construed as a waiver of any confidentiality designation or other protection
26 with respect to documents, transcripts, or other information referred to in, or that serve as the
27 basis for, the allegations or arguments made in them.

28 **IT IS SO STIPULATED.**

1 DATED: May 10, 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: May 10, 2012

BINGHAM McCUTCHEN LLP

9

By: /s/ Geoffrey M. Howard

10

Geoffrey M. Howard

11

Attorneys for Plaintiff
ORACLE INTERNATIONAL
CORPORATION

12

13

SVI-108176v1

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28