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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 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 THE PARTIES'  
 JOINT STATEMENT REGARDING  
 EXHIBIT OBJECTIONS**

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 the Parties’ Joint Statement Regarding Exhibit  
5 Objections.

6 WHEREAS, Defendants filed on June 5, 2012, at Oracle’s request, (1) the Administrative  
7 Motion to Permit Defendants to File under Seal Oracle’s Information in Support of the Parties’  
8 Joint Statement Regarding Exhibit Objections; (2) the Declaration of Tharan Gregory Lanier in  
9 Support of Defendants’ Administrative Motion to Permit Defendants to File under Seal Oracle’s  
10 Information in Support of the Parties’ Joint Statement Regarding Exhibit Objections; and (3) the  
11 [Proposed] Order Granting Defendants’ Administrative Motion to Permit Defendants to File  
12 under Seal Oracle’s Information in Support of the Parties’ Joint Statement Regarding Exhibit  
13 Objections;

14 WHEREAS the requested relief is necessary and narrowly tailored to protect the  
15 confidentiality of the material put at issue by the Parties’ Joint Statement Regarding Exhibit  
16 Objections (“Joint Statement”) until such time as the Court makes a final ruling as to  
17 confidentiality of the relevant subject matter. Specifically, the following portions of the Joint  
18 Statement contain information designated by Oracle as “Highly Confidential - Attorneys’ Eyes  
19 Only” or “Confidential Information” pursuant to the Stipulated Protective Order in this case:  
20 9:14-17; 10:6; 12:6-10; 13:6-10; 14:21; 17:10-12; 17:13-15; 17:23-24; 18:6-9; 19:3-5; 21:11-14;  
21 22:9-16; 25:6-8; 27:9-14; 31:26-27; 31:28-32:3; 32:18-27; 34:9-14; 34:25; 35:17; 35:21-27; 36:6-  
22 7; 36:28-37:4; 37:17-18; 37:22-23; 37:24-25; 38:6-9; 39:18-23; 39:25-27; 39:28-402; and 40:4-6.

23 NOW, THEREFORE, IT IS HEREBY STIPULATED by the Parties, through their  
24 respective counsel of record, that Defendants be permitted to move for permission to file under  
25 seal the above portions of the Joint Statement. While the Parties agree that the concurrently filed  
26 Joint Statement may be publicly filed, the Parties also agree that the filing shall not be construed  
27 as a waiver of any confidentiality designation or other protection with respect to documents,  
28 transcripts, or other information referred to in, or that serve as the basis for, the allegations or

1 arguments made in them.

2 **IT IS SO STIPULATED.**

3 DATED: June 5, 2012

JONES DAY

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By: /s/ Tharan Gregory Lanier

5

Tharan Gregory Lanier

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

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8 In accordance with General Order No. 45, Rule X, the above signatory attests that  
9 concurrence in the filing of this document has been obtained from the signatory below.

10 DATED: June 5, 2012

BINGHAM McCUTCHEN LLP

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By: /s/ Geoffrey M. Howard

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Geoffrey M. Howard

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Attorneys for Plaintiff  
ORACLE INTERNATIONAL  
CORPORATION

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