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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 MATERIALS OFFERED BY  
 DEFENDANTS 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 Materials Offered by Defendants in Support of the Parties’ Joint Statement  
5 Regarding Exhibit Objections.

6 WHEREAS, Defendants filed on August 2, 2012 (1) the Administrative Motion to Permit  
7 Defendants to File under Seal Materials Offered by Defendants in Support of the Parties’ Joint  
8 Statement Regarding Exhibit Objections; (2) the Declaration of Michael Junge in Support of  
9 Defendants’ Administrative Motion to Seal; and (3) the [Proposed] Order Granting Defendants’  
10 Administrative Motion to Permit Defendants to File under Seal Materials Offered by Defendants  
11 in Support of the Parties’ Joint Statement Regarding Exhibit Objections;

12 WHEREAS the requested relief is necessary and narrowly tailored to protect the  
13 confidentiality of the material put at issue by the Parties’ Joint Statement Regarding Exhibit  
14 Objections (“Joint Statement”) until such time as the Court makes a final ruling as to  
15 confidentiality of the relevant subject matter. Specifically, Exhibit 20 to the Declaration of  
16 Tharan Gregory Lanier ISO Joint Statement Regarding Exhibit Objections (“Lanier Decl.”)  
17 contains information designated “Confidential Information” by third-party Amgen, Inc. pursuant  
18 to the Stipulated Protective Order in this case, Exhibit 23 to the Lanier Decl. contains information  
19 designated “Highly Confidential – Attorneys’ Eyes Only” by Oracle pursuant to the Stipulated  
20 Protective Order in this case, and Exhibit 27 to the Lanier Decl. contains information designated  
21 “Highly Confidential – Attorneys’ Eyes Only” by Defendants pursuant to the Stipulated  
22 Protective Order in this case

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 Exhibits 20, 23, and 27 to the Lanier Decl. While the Parties agree that portions of the  
26 previously-filed Joint Statement, for which Exhibits 20, 23, and 27 to the Lanier Decl. were  
27 offered in support, may be publicly filed, the Parties also agree that the filing shall not be  
28 construed as a waiver of any confidentiality designation or other protection with respect to

1 documents, transcripts, or other information referred to in, or that serve as the basis for, the  
2 allegations or arguments made in them.

3 **IT IS SO STIPULATED.**

4 DATED: August 2, 2012

JONES DAY

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By: /s/ Tharan Gregory Lanier

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Tharan Gregory Lanier

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

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

11 DATED: August 2, 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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