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

23 **ORACLE INTERNATIONAL  
 CORPORATION,**

24 **Plaintiff,**

25 **v.**

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

27 **Defendants.**

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 SAP AG, SAP AMERICA, INC., and  
 TOMORROWNOW, INC.

No. 07-CV-01658 PJH (EDL)

**STIPULATION TO PERMIT PLAINTIFF  
 TO FILE UNDER SEAL DOCUMENTS IN  
 SUPPORT OF THE PARTIES' JOINT  
 STATEMENT REGARDING  
 EVIDENTIARY ISSUES**

Case No. 07-CV-01658 PJH (EDL)

1 Pursuant to Local Rules 7-11(a) and 79-5(c), Plaintiff Oracle International Corporation  
2 (“Plaintiff”) and Defendants SAP AG, SAP America, Inc., and TomorrowNow, Inc.  
3 (“Defendants,” and together with Plaintiff, the “Parties”) jointly submit this Stipulation to Permit  
4 Plaintiff to File Under Seal Documents in Support of the Parties’ Joint Statement Regarding  
5 Evidentiary Issues.

6 WHEREAS, Plaintiff intends to file the Declaration of Nargues Motamed in Support of  
7 the Joint Statement Regarding Evidentiary Issues and Oracle’s Documents in Support of the Joint  
8 Statement Regarding Evidentiary Issues on August 2, 2012;

9 WHEREAS, Plaintiff intends to file an Administrative Motion to File Under Seal  
10 Documents in Support of the Joint Statement Regarding Evidentiary Issues;

11 WHEREAS the requested relief is necessary and narrowly tailored to protect the  
12 confidentiality of the materials in Oracle’s Documents in Support of the Joint Statement  
13 Regarding Evidentiary Issues. Specifically, the following materials constitute documents that  
14 contain information designated by Defendants as “Confidential” or “Highly Confidential  
15 Information — Attorneys’ Eyes Only” pursuant to the Stipulated Protective Order:

- 16 • Defendants’ Exemplar Exhibits A-0059, A-6329-1, A-5995, A-5058, and  
17 Exhibit B to the Motamed Declaration

18 NOW, THEREFORE, IT IS HEREBY STIPULATED by the Parties, through their  
19 respective counsel of record, that Plaintiff be permitted to move for permission to file under seal  
20 Defendants’ Exemplar Exhibits A-0059, A-6329-1, A-5995, A-5058, and Exhibit B to the  
21 Motamed Declaration. The Parties further agree that the Parties reserve their rights to challenge  
22 the confidentiality of the information filed under seal pursuant to this Stipulation. While the  
23 Parties agree that portions of the Joint Statement, in support of which Oracle submitted  
24 Defendants’ Exemplar Exhibits A-0059, A-6329-1, A-5995, A-5058, and Exhibit B to the  
25 Motamed Declaration may be publicly filed, the Parties also agree that any public disclosure shall  
26 not be construed as a waiver of any confidentiality designation or other protection with respect to  
27 documents, transcripts, or other information referred to in, or that serve as the basis for, the  
28 allegations or arguments made in them.

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**IT IS SO STIPULATED.**

DATED: August 2, 2012

BINGHAM McCUTCHEN LLP

By: /s/ Geoffrey M. Howard  
Geoffrey M. Howard

Attorneys for Plaintiff  
ORACLE INTERNATIONAL  
CORPORATION

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

DATED: August 2, 2012

JONES DAY

By: /s/ Tharan Gregory Lanier  
Tharan Gregory Lanier

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