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16 UNITED STATES DISTRICT COURT

17 NORTHERN DISTRICT OF CALIFORNIA

18 SAN FRANCISCO DIVISION

19 ORACLE CORPORATION, a Delaware
 20 corporation, ORACLE USA, INC., a Colorado
 21 corporation, and ORACLE INTERNATIONAL
 22 CORPORATION, a California corporation,

22 Plaintiffs,

23 v.

23 SAP AG, a German corporation, SAP
 24 AMERICA, INC., a Delaware corporation,
 25 TOMORROWNOW, INC., a Texas corporation,
 26 and DOES 1-50, inclusive,

26 Defendants.

CASE NO. 07-CV-01658 PJH (EDL)

**PLAINTIFFS' ADMINISTRATIVE
 MOTION TO FILE THEIR MOTION
 TO COMPEL AND SUPPORTING
 DOCUMENTS UNDER SEAL;
 DECLARATION OF TANYA K.
 DUMAS IN SUPPORT**

Date: TBD

Time: TBD

Courtroom: E, 15th Floor

Judge: Hon. Elizabeth D. Laporte

1 Pursuant to Local Rules 7-11(a) and 79-5(c), Plaintiffs Oracle Corporation, Oracle USA,
2 Inc., and Oracle International Corporation (together “Oracle” or “Plaintiffs”) request that the
3 Court order the Clerk of the Court to file under seal the Motion to Compel Production of Clawed
4 Back Documents, and supporting exhibits, that Plaintiffs lodged with the Court on August 1,
5 2008.

6 The requested relief is necessary and narrowly tailored to protect the alleged
7 confidentiality of the content of Defendants’ documents put at issue by the Motion. This request
8 is supported by the declaration of Tanya K. Dumas below.

9 Pursuant to Local Rule 79-5, a proposed order accompanies this request to file the
10 Motion to Compel under seal.

11 DATED: August 1, 2008

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13 BINGHAM MCCUTCHEN LLP

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15 By: _____ /s/ Geoffrey M. Howard
16 Geoffrey M. Howard
17 Attorneys for Plaintiffs
Oracle Corporation, Oracle USA, Inc., and
18 Oracle International Corporation
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1 **DECLARATION OF TANYA K. DUMAS IN SUPPORT OF**
2 **PLAINTIFFS’ ADMINISTRATIVE MOTION TO FILE THE MOTION TO COMPEL**
3 **AND SUPPORTING EXHIBITS UNDER SEAL**

4 I, Tanya K. Dumas, declare:

5 1. I am a member of the State Bar of California and an associate at Bingham
6 McCutchen LLP, counsel of record for plaintiffs Oracle Corporation, Oracle USA, Inc., and
7 Oracle International Corporation (together “Oracle”) in this action. Except for matters stated
8 below on information and belief, I have personal knowledge of the matters stated in this
9 declaration by virtue of my representation of Oracle in this action. If called and sworn as a
10 witness, I could and would competently testify to such matters.

11 2. Pursuant to Civil Local Rule 79-5 and the stipulated Protective Order entered on
12 June 6, 2007 in this case (see Ex. 1, attached), I make this Declaration in support of Oracle’s
13 Administrative Motion to File its Motion to Compel and supporting exhibits under seal.

14 3. The requested relief is necessary and narrowly tailored to protect the alleged
15 confidentiality of the materials put at issue by the Motion until such time as Defendants may
16 submit a declaration in accordance with Civil Local Rule 79-5(d) and the Court makes a final
17 ruling as to confidentiality of the relevant subject matter. Specifically, Oracle’s Motion and
18 supporting exhibits contain information designated by Defendants as “Highly Confidential
19 Information - Attorneys’ Eyes Only,” as well as information designated by Defendants as
20 “Confidential Information,” pursuant to the Protective Order entered on June 6, 2007 in this
21 action.

22 4. Pursuant to Civil Local Rule 7-11, no stipulation is included with this
23 Administrative Motion, because the parties disagree over whether the documents that are the
24 subject of this motion are properly designated as confidential or highly confidential and whether
25 they need to be filed under seal. The parties have agreed to continue their discussion about what
26 should or should not be filed under seal and Defendants have notified Plaintiffs that they will
27 submit an appropriate response, under Civil Local Rule 79-5(d).

28 5. The following sections of the Motion to Compel contain information designated

1 Highly Confidential and/or Confidential by Defendants:

2 Page 3, portions of lines 2-5, 8-12, and 14-16

3 Page 4, portions of lines 21-24, and portions of footnote 3.

4 Page 5, portions of lines 1, 12-18, and 21-24

5 Page 6, portions of lines 2-6, 15-16, and 20-28

6 Page 7, portions of lines 1-8

7 Page 8, portions of lines 12-14 and 17-24

8 Page 10, portions of lines 15-16 and 19-25

9 6. The following exhibits, attached to the Declaration of Geoffrey M. Howard in
10 support of Oracle’s Motion to Compel, contain information designated Highly Confidential
11 and/or Confidential by Defendants: Exhibits A-K, M-P, and U-Y.

12 I declare under penalty of perjury that the foregoing is true and correct. Executed in San
13 Francisco, California, on August 1, 2008.

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15
16 By: _____ /s/ Tanya K. Dumas
Tanya K. Dumas