

1 Robert A. Mittelstaedt (SBN 060359)
 Jason McDonell (SBN 115084)
 2 Elaine Wallace (SBN 197882)
 JONES DAY
 3 San Francisco Office
 555 California Street, 26th Floor
 4 San Francisco, CA 94104
 Telephone: (415) 626-3939
 5 Facsimile: (415) 875-5700
 ramittelstaedt@jonesday.com
 6 jmcdonell@jonesday.com
 ewallace@jonesday.com
 7

8 Tharan Gregory Lanier (SBN 138784)
 Jane L. Froyd (SBN 220776)
 JONES DAY
 9 Silicon Valley Office
 1755 Embarcadero Road
 10 Palo Alto, CA 94303
 Telephone: (650) 739-3939
 11 Facsimile: (650) 739-3900
 tglanier@jonesday.com
 12 jfroyd@jonesday.com

13 Scott W. Cowan (Admitted *Pro Hac Vice*)
 Joshua L. Fuchs (Admitted *Pro Hac Vice*)
 JONES DAY
 14 717 Texas, Suite 3300
 15 Houston, TX 77002
 Telephone: (832) 239-3939
 16 Facsimile: (832) 239-3600
 swcowan@jonesday.com
 17 jlfuchs@jonesday.com

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

20 UNITED STATES DISTRICT COURT

21 NORTHERN DISTRICT OF CALIFORNIA

22 SAN FRANCISCO DIVISION

23 ORACLE CORPORATION, et al.,

24 Plaintiffs,

25 v.

26 SAP AG, et al.,

27 Defendants.

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

**DEFENDANTS' NOTICE OF
 LODGING OF DOCUMENTS FOR
 IN CAMERA REVIEW**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE THAT, pursuant to this Court’s July 25, 2008 Order, and in connection with Plaintiffs’ August 1, 2008 Motion to Compel Production of Clawed Back Documents, Defendants will lodge the following five documents with the Court today for the Court’s *in camera* review:

- 1. TN-OR00854803-04;
- 2. TN-OR00164402-10;
- 3. TN-OR01157057-59;
- 4. TN-OR01058166-170;
- 5. TN-OR00868717-19.

These documents are not intended to be, and should not be, filed in the public record because they contain information protected under the attorney-client privilege and/or the attorney work product doctrine. The documents are being lodged with the Court for the sole purpose of the Court’s *in camera* review in connection with the above-referenced motion. The lodging of these documents is not intended, and should not be construed as, a waiver in any way of the attorney-client privilege, the attorney work product doctrine, or any other applicable privilege.

Pursuant to the Judge LaPorte’s July 25, 2008 Order, Defendants will further respond to Plaintiff’s Motion to Compel Production of Clawed Back Documents on or before August 8, 2008.

Dated: August 1, 2008

JONES DAY

By: /s/ Jason McDonell
Jason McDonell

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