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

19 UNITED STATES DISTRICT COURT  
 20 NORTHERN DISTRICT OF CALIFORNIA  
 21 SAN FRANCISCO DIVISION

22 ORACLE CORPORATION, et al.,

23 Plaintiffs,

24 v.

25 SAP AG, et al.,

26 Defendants.

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Case No. 07-CV-1658 PJH

**DECLARATION OF ALBERT VAN  
 WISSEN IN SUPPORT OF  
 DEFENDANTS' RESPONSE TO  
 PLAINTIFFS' ADMINISTRATIVE  
 MOTION TO FILE THEIR MOTION  
 TO COMPEL AND SUPPORTING  
 DOCUMENTS UNDER SEAL**

Date: N/A

Time: N/A

Courtroom: E, 15<sup>th</sup> Floor

Judge: Hon. Elizabeth D. Laporte

VAN WISSEN DECL. ISO DEFs. RSP. TO PLS. ADM. MOTION  
 Case No. 07-CV-1658 PJH(EDL)

1 I, ALBERT VAN WISSEN, declare:

2 I am an individual over 18 years old. I am the CFO of TomorrowNow, one of the  
3 Defendants in the above-entitled action. I make this declaration based on personal knowledge  
4 and, if called upon to do so, could testify competently thereto.

5 1. As part of my work at TomorrowNow, I assisted with the integration of  
6 TomorrowNow into SAP following SAP's acquisition of TomorrowNow. Prior to working for  
7 TomorrowNow, I was employed by SAP. Through my positions at both SAP and  
8 TomorrowNow, I became familiar with SAP's business strategies, policies and procedures  
9 regarding facilities planning and real estate leasing.

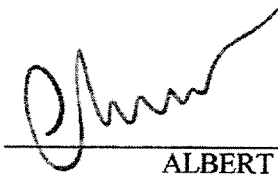
10 2. I am the author of and participant in an email communication that TomorrowNow  
11 produced in the course of discovery in this case, Bates labeled TN-OR00980230 through TN-  
12 OR00980234, which my understanding is attached as Exhibit X to the Declaration of Geoffrey M.  
13 Howard In Support Of Plaintiffs' Motion to Compel Production of Clawed Back Documents.

14 3. Information in the email chain referenced in paragraph 2 above includes  
15 TomorrowNow's and SAP's real estate negotiation strategy, integration policies, hiring practices,  
16 and customer service models. The discussion in the email of these topics involve  
17 TomorrowNow's and SAP's financial and business plans, confidential financial data, and  
18 confidential information regarding corporate assets (leases), all of which are commercially  
19 sensitive information. These sensitive internal discussions were non-public and confidential in  
20 order to, among other reasons, protect SAP's and TomorrowNow's negotiating strategies and  
21 positions in these areas.

22 4. Public disclosure of the non-public, confidential email chain referenced in  
23 paragraph 2 above would injure TN and SAP in several ways, including but not limited to  
24 compromising TN's and SAP's negotiation positions with their current or future landlords by  
25 revealing financial information and internal corporate strategies and processes relating to real  
26 estate leasing.

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1 I declare under penalty of perjury under the laws of the United States and the State of  
2 California that the foregoing is true and correct. Executed on August 8, 2008 in Amsterdam,  
3 Netherlands.

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6 ALBERT VAN WISSEN

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