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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  
 SAN FRANCISCO DIVISION

21 ORACLE USA, INC., et al.,  
 22 Plaintiffs,  
 23 v.  
 24 SAP AG, et al.,  
 25 Defendants.

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

**DECLARATION OF THARAN GREGORY  
 LANIER ISO DEFENDANTS'  
 ADMINISTRATIVE MOTION TO FILE  
 PLAINTIFFS' DOCUMENTS SUPPORTING  
 DEFENDANTS' MOTION TO DISMISS  
 UNDER SEAL**

Date: November 19, 2008; Time: 9:00 a.m.  
 Courtroom: 3, 17th Floor  
 Judge: Hon. Phyllis J. Hamilton

1 I, THARAN GREGORY LANIER, declare:

2 1. I am a partner in the law firm of Jones Day, 1755 Embarcadero Road, Palo Alto,  
3 California 94303, and counsel of record for Defendants SAP AG, SAP America, Inc. and  
4 TomorrowNow, Inc. (collectively, "Defendants") in the above-captioned action. I am a member  
5 in good standing of the state bar of California and admitted to practice before this Court. I make  
6 this declaration based on personal knowledge and, if called upon to do so, could testify  
7 competently thereto.

8 2. Pursuant to Civil Local Rule 79-5 and the stipulated Protective Order entered on  
9 June 6, 2007 in this case, I make this Declaration in support of Defendants' Administrative  
10 Motion to File their Motions to Dismiss and supporting exhibits under seal.

11 3. The requested relief is necessary and narrowly tailored to protect the alleged  
12 confidentiality of the materials put at issue by the Motions until such time as Plaintiffs may  
13 submit a declaration in accordance with Civil Local Rule 79-5(d) and the Court makes a final  
14 ruling as to confidentiality of the relevant subject matter. Specifically, Exhibits 1-4 to the  
15 Declaration of Tharan Gregory Lanier in support of Defendants' Motion to Dismiss contain  
16 information designated by Plaintiffs as "Confidential Information" or "Highly Confidential  
17 Information - Attorneys' Eyes Only" pursuant to the Protective Order entered on June 6, 2007 in  
18 this action.

19 4. The following exhibits, attached to the Declaration of Tharan Gregory Lanier in  
20 support of Defendants' Motion to Dismiss, contain information designated Highly Confidential -  
21 Attorneys' Eyes Only by Plaintiffs: Exhibits 1-2.

22 5. The following exhibits, attached to the Declaration of Tharan Gregory Lanier in  
23 support of Defendants' Motion to Dismiss, contain information designated Confidential by  
24 Plaintiffs: Exhibits 3-4.

25 I declare under penalty of perjury under the laws of the United States and the State of  
26 California that the foregoing is true and correct. Executed this 15th day of October, 2008 in Palo  
27 Alto, California.

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/S/ Tharan Gregory Lanier  
Tharan Gregory Lanier