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 SAP AG, SAP America, Inc., and
 TomorrowNow, Inc.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

20 ORACLE USA, INC., a Colorado corporation,
 21 ORACLE INTERNATIONAL CORPORATION,
 22 a California corporation, ORACLE SYSTEMS
 23 CORPORATION, a Delaware corporation,
 24 ORACLE EMEA LIMITED, an Irish private
 25 limited company, and J.D. EDWARDS EUROPE
 26 LIMITED, an Irish private limited company,

Plaintiffs,

v.

26 SAP AG, a German corporation, SAP
 27 AMERICA, INC., a Delaware corporation,
 28 TOMORROWNOW, INC., a Texas corporation,
 and DOES 1-50, inclusive,

Defendants.

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

**STIPULATION AND [PROPOSED]
 ORDER REGARDING
 WITHDRAWAL OF DEFENDANTS'
 ADMINISTRATIVE
 MOTION TO SEAL**

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

1 Plaintiffs Oracle USA, Inc. Oracle International Corporation, Oracle Systems
2 Corporation, Oracle EMEA Limited, and J.D. Edwards Europe Limited (“Plaintiffs”) and
3 Defendants SAP AG, SAP America, Inc., and TomorrowNow, Inc. (“Defendants,” and together
4 with Oracle, the “Parties”) jointly submit this Stipulation to withdraw Defendants’ Motion to
5 Permit Defendants to File Under Seal Plaintiffs’ Documents Supporting Defendants’ FRCP
6 12(b)(1) and 12(b)(6) Motion to Dismiss.

7 WHEREAS, Plaintiffs filed their Third Amended Complaint on October 8, 2008;

8 WHEREAS, Defendants filed their Motion to Dismiss on October 15, 2008;

9 WHEREAS, On the same day, October 15, 2008, Defendants filed, at Plaintiffs’
10 request, an Administrative Motion to File Plaintiffs’ Documents Supporting Defendants’ Motion
11 to Dismiss Under Seal (the “Motion to Seal”). Through the Motion to Seal, the Parties sought an
12 Order permitting Defendants to file under seal Exhibits 1 though 4 to the Declaration of Tharan
13 Gregory Lanier in Support of Defendants’ FRCP 12(b)(1) and 12(b)(6) Motion to Dismiss;

14 WHEREAS, Plaintiffs do not at this time contend that Exhibits 1 though 4,
15 referenced above, need to be filed under seal;

16 NOW, THEREFORE, IT IS HEREBY STIPULATED by the Parties, through
17 their respective counsel of record, that Defendants hereby withdraw the Motion to Seal, filed in
18 this matter on October 15, 2008. It is further stipulated that Exhibits 1 though 4 to the
19 Declaration of Tharan Gregory Lanier in Support of Defendants’ FRCP 12(b)(1) and 12(b)(6)
20 Motion to Dismiss may be filed publicly, and that the filing shall not be construed as a waiver of
21 any confidentiality designation, right to file under seal, or other protection with respect to
22 documents or other information related or similar to, or referred to by, the filed documents.

23 **IT IS SO STIPULATED.**

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1 DATED: October 22, 2008

BINGHAM McCUTCHEN LLP

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4 By: /s/ Zachary J. Alinder
Zachary J. Alinder

5 Attorneys for Plaintiffs
6 Oracle USA, Inc., Oracle International Corp.,
7 Oracle Systems Corp., Oracle EMEA Ltd.,
8 and J.D. Edwards Europe Ltd.

9
10 In accordance with General Order No. 45, Rule X, the above signatory attests that
11 concurrence in the filing of this document has been obtained from the signatory below.

12 DATED: October 22, 2008

JONES DAY

13
14 By: /s/ Tharan Gregory Lanier
Tharan Gregory Lanier

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

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20 **PURSUANT TO STIPULATION, IT IS
SO ORDERED:**

21 DATED: 10/27/08

22 By:

