1	DINUTAWI MICCUTCHEN LLP	
•	DONN P. PICKETT (SBN 72257)	
2	GEOFFREY M. HOWARD (SBN 157468)	
3	HOLLY A. HOWARD (SBN 136045)	
3	ZACHARY J. ALINDER (SBN 209009) BREE HANN (SBN 215695)	
4	Three Embarcadero Center	
•	San Francisco, CA 94111-4067	
5	Telephone: (415) 393-2000	
	Facsimile: (415) 393-2286	
6	donn.pickett@bingham.com	
_	geoff.howard@bingham.com	
7	holly.house@bingham.com	
8	zachary.alinder@bingham.com bree.hann@bingham.com	
O	oree.name omgnam.com	
9	DORIAN DALEY (SBN 129049)	
	JENNIFER GLOSS (SBN 154227)	
10	500 Oracle Parkway, M/S 5op7	
	Redwood City, CA 94070	
11	Telephone: (650) 506-4846	
12	Facsimile: (650) 506-7114	
14	dorian.daley@oracle.com	
13	jennifer.gloss@oracle.com	
	Attorneys for Plaintiffs	
14	Oracle USA, Inc., Oracle International Corporation	. and
4 =	Oracle EMEA Limited	, 4
15		
16		
10	UNITED STATES DI	STRICT COURT
17		
	NORTHERN DISTRICT	OF CALIFORNIA
18	SAN FRANCISCO	ODIVISION
10	SANTKANCISC	O DIVISION
19	ORACLE USA, INC., et al.,	CASE NO. 07-CV-01658 PJH (EDL)
20	ORNELL OSM, INC., et al.,	CASE NO. 07-6 V-01030 1311 (EDE)
20	Plaintiffs,	PLAINTIFFS' ADMINISTRATIVE
21	v.	MOTION TO FILE DEFENDANTS'
		DOCUMENTS UNDER SEAL;
22	SAP AG, et al.,	DECLARATION IN SUPPORT OF
22	Defendants.	ADMINISTRATIVE MOTION
23	Defendants.	
24		
25		
26		
27		
27		
28		
	A/72815713/2021039-0000324170	Case No. 07-CV-01658 PIH (FI

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

						_
T	IN	TD	M	T (''	TION	١T.
I.	113	1 1	<i>\ </i>		1 1(7)	N

Plaintiffs Oracle USA, Inc., Oracle International Corporation, and Oracle EMEA Limited (collectively, "Oracle"), together with Defendants SAP AG, SAP America, Inc., and TomorrowNow, Inc. (collectively, "Defendants," and with Oracle, the "Parties"), respectfully request an Order sealing (1) portions of the Declaration of Geoffrey M. Howard in support of Oracle's Motion to Compel Production of Documents, Answers to Interrogatories, and Rule 30(b)(6) Testimony Related to Hyperion, Retek, and EBS Products ("Howard Declaration"), and (2) Exhibits A, D, E, and F to the Howard Declaration. Unredacted versions of these documents were lodged with the Court on January 16, 2009. This request is made pursuant to Civil Local Rules 7-11 and 79-5 and the Protective Order signed by Judge Martin Jenkins on June 6, 2007. This request is supported by the Parties' Stipulation Regarding Plaintiffs' Administrative Motion to Seal, filed concurrently with this Motion.

II. ARGUMENT

Oracle requests that the documents listed in detail in the attached Declaration of Zachary

J. Alinder ("Alinder Declaration") be filed under seal. Good cause exists for filing the
referenced documents under seal, because they contain content that was designated by

Defendants as either "Highly Confidential Information - Attorneys' Eyes Only," or "Confidential
Information," pursuant to the Parties' Protective Order. Pursuant to Civil Local Rule 79-5(d) and
Paragraph 14 of the Protective Order, Oracle is obligated to lodge these documents with the
Court with a request to file them under seal.

Oracle's request is narrowly tailored, as required by Local Rule 79-5(a), and seeks to protect only those documents that contain Defendants' allegedly confidential information, until such time as Defendants may submit a declaration in accordance with Civil Local Rule 75-9(d) and the Court makes a final ruling as to the confidentiality of the relevant subject matter. Therefore, good cause supports this request, and the documents referenced herein should appropriately be filed under seal.

A/72815713/2021039-0000324170

1	III.	CONCLUSION			
2		For the foregoing reasons, Oracle respectfully requests that the Court order the filing of			
3	the documents listed in detail in the attached Alinder Declaration under seal. A Proposed Order				
4	is submitted with this Motion.				
5	DAT	ED: January 16, 2009			
6					
7		BINGHAM McCUTCHEN LLP			
8					
9		By: /s/ Geoffrey M. Howard			
10		Geoffrey M. Howard Attorneys for Plaintiffs			
11		Oracle Corporation, Oracle USA, Inc., and Oracle International Corporation			
12					
13					
14					
15					
16					
17					
18					
19					
20					
21					
22					
23					
24					
25					
26					
27					
28					

3

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

A/72815713/2021039-0000324170

1	DECLARATION OF ZACHARY J. ALINDER IN SUPPORT OF PLAINTIFFS' ADMINISTRATIVE MOTION TO FILE UNDER SEAL		
2	TEMMINISTRATIVE MOTION TO THE CHOEK SEAR		
3	I, Zachary J. Alinder, declare:		
4	1. I am a member of the State Bar of California and a partner at Bingham		
5	McCutchen LLP, counsel of record for Plaintiffs Oracle USA, Inc., Oracle International		
6	Corporation, and Oracle EMEA Limited (collectively, "Oracle") in this action. Except for		
7	matters stated below on information and belief, I have personal knowledge of the matters stated		
8	in this declaration by virtue of my representation of Oracle in this action. If called and sworn as		
9	a witness, I could and would competently testify to such matters.		
10	2. Pursuant to Civil Local Rule 79-5 and the stipulated Protective Order entered on		
11	June 6, 2007 in this case (Docket No. 32), I make this Declaration in support of Oracle's		
12	Administrative Motion to File Defendants' Documents Under Seal (the "Motion to Seal").		
13	3. The requested relief is necessary and narrowly tailored to protect the alleged		
14	confidentiality of the materials put at issue by Oracle's Motion to Compel Production of		
15	Documents, Answers to Interrogatories, and Rule 30(b)(6) Testimony Related to Hyperion,		
16	Retek, and EBS Products ("Motion to Compel"), until such time as the Court rules on the		
17	confidentiality of the relevant subject matter. Specifically, Exhibits A, D, E, and F to the		
18	Declaration of Geoffrey M. Howard in Support of Oracle's Motion to Compel (the "Howard		
19	Declaration"), and references to these exhibits within the Howard Declaration, contain		
20	information designated by Defendants as "Confidential Information" and "Highly Confidential		
21	Information - Attorneys' Eyes Only," pursuant to the Protective Order entered in this action on		
22	June 6, 2007.		
23	4. Pursuant to Civil Local Rule 7-11, a stipulation is included with this		
24	Administrative Motion.		
25	5. The following documents, or portions of documents, contain information		
26	designated Highly Confidential and/or Confidential by Defendants:		
27	a. The Howard Declaration		
28	Page 3, lines 19-23		
	A/72815713/2021039-0000324170 4 Case No. 07-CV-01658 PJH (EDL)		

1	Page 5, lines 1-2, 4-5, and 7-8			
2	b. Exhibits A, D, E, and F to the Howard Declaration			
3	(1) (Ex. A) Email with the subject line "Re: Opportunities at SAP," Bates			
4	labeled SAP-OR00503877-82. SAP-OR00503877-82 was marked			
5	"Confidential Information" by Defendants.			
6	(2) (Ex. D) "Safe Passage Status Update," Bates-labeled SAP-			
7	OR00001189-95. SAP-OR00001189-95 was marked "Highly			
8	Confidential Information - Attorneys' Eyes Only" by Defendants.			
9	(5) (Ex. E) "Business Case: TomorrowNow - Hyperion," Bates-labeled			
10	SAP-OR00252116-137. SAP-OR00252116-137 was marked "Highly			
11	Confidential Information - Attorneys' Eyes Only" by Defendants.			
12	(6) (Ex. F) "Business Case: TomorrowNow - Oracle eBusiness Suite,"			
13	Bates-labeled SAP-OR00252138-146. SAP-OR00252138-146 was			
14	marked "Highly Confidential Information - Attorneys' Eyes Only" by			
15	Defendants.			
16	I declare under penalty of perjury that the foregoing is true and correct. Executed in San			
17	Francisco, California, on January 16, 2009.			
18				
19				
20	By: /s/ Zachary J. Alinder Zachary J. Alinder			
21				
22				
23				
24				
25				
26				
27				
28	A /700157112/0001020 0000204170			
	A/72815713/2021039-0000324170 5 C NI- 07 CV 01659 DHJ (EDL)			