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

I. INTRODUCTION

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 Exhibit A to the Parties' February 9, 2009 Joint Discovery Conference Statement ("Statement"). An unredacted version of this exhibit was lodged with the Court on February 9, 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 to Permit Plaintiffs to File Draft Stipulation Under Seal, filed concurrently with this Motion.

II. ARGUMENT

Oracle requests that the document described in the attached Declaration of Bree Hann ("Hann Declaration") be filed under seal. Good cause exists for filing the referenced document under seal, because it contains and describes 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 this document with the Court with a request to file it under seal. Moreover, Defendants contend that Exhibit A to the Statement reflects a "snapshot" of the Parties' inchoate compromise discussions under Fed. R. Evid. 408 regarding PeopleSoft HRMS environments and updates/fixes and should be protected accordingly.

Oracle's request is narrowly tailored, as required by Local Rule 79-5(a), and seeks to protect only this document that contains 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 document referenced herein should appropriately be filed under seal.

1	III. CONCLUSION					
2	For the foregoing reasons, Oracle respectfully requests that the Court order the filing of					
3	the document listed in detail in the attached Hann Declaration under seal. A Proposed Order is					
4	submitted with this Motion.					
5	DATED: February 9, 2009					
6			ALCONDA A P			
7	BINGHAM McCUTCHEN LLP					
8						
9		By:/	s/ Bree Hann			
10		A	Bree Hann ttorneys for Plaintiffs			
11		Oracle Corj Oracle	oration, Oracle USA, Inc., and International Corporation			
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1	DECLARATION OF BREE HANN IN SUPPORT OF PLAINTIFFS' ADMINISTRATIVE MOTION TO FILE UNDER SEAL				
2	TEAUTIFFS ADMINISTRATIVE MOTION TO FILE ONDER SEAL				
3	I, Bree Hann, declare:				
4	1. I am member of the State Bar of California and counsel at Bingham McCutchen				
5	LLP, counsel of record for Plaintiffs Oracle USA, Inc., Oracle International Corporation, and				
6	Oracle EMEA Limited (collectively, "Oracle") in this action. Except for matters stated below on				
7	information and belief, I have personal knowledge of the matters stated in this declaration by				
8	virtue of my representation of Oracle in this action. If called and sworn as a witness, I could and				
9	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 Draft Stipulation 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 the Parties' February 9, 2009 Joint Discovery				
15	Conference Statement ("Statement"), until such time as the Court rules on the confidentiality of				
16	the relevant subject matter. Specifically, Exhibit A to the Statement contains and describes				
17	information designated by Defendants as "Confidential Information" and "Highly Confidential				
18	Information – Attorneys' Eyes Only," pursuant to the Protective Order entered in this action on				
19	June 6, 2007.				
20	4. Pursuant to Civil Local Rule 7-11, a stipulation is included with this				
21	Administrative Motion.				
22	5. The following document contains information designated Highly Confidential				
23	and/or Confidential by Defendants:				
24	a. Exhibit A to the Statement: Draft Stipulation				
25					
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28	/// A/72839159 4 Case No. 07-CV-01658 PJH (EDL)				

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

1	I declare under penalty of perjury that the foregoing is true and correct. Executed in San				
2	Francisco, California, on Feb	oruary 9, 2009.			
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5		By:	/s/ Bree Hann Bree Hann		
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