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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 USA, INC., *et al.*,

23 Plaintiffs,

24 v.

25 SAP AG, *et al.*,

26 Defendants.

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

**DECLARATION OF JASON
 MCDONELL ISO DEFENDANTS'
 ADMINISTRATIVE MOTION TO
 PERMIT DEFENDANTS TO FILE
 UNDER SEAL DOCUMENTS ISO
 DEFENDANTS' REPLY ISO
 MOTION FOR SANCTIONS AND
 REPLY ISO MOTION TO COMPEL**

1 I, JASON McDONELL, declare:

2 I am an attorney with the law firm of Jones Day and counsel for Defendants in the above-
3 captioned matter. I make this declaration based on personal knowledge and, if called upon to do
4 so, could testify competently thereto.

5 1. I make this declaration in support of Defendant's Administrative Motion to Permit
6 Defendants to File Under Seal the following documents:

7 A. Portions of Defendants' Motion for Sanctions Reply containing quotes or other
8 material from documents identified herein that have been designated by Plaintiffs as
9 "Confidential Information" or "Highly Confidential Information - Attorneys' Eyes
10 Only";

11 B. A portion of the Reply Declaration of Stephen K. Clarke in Support of Defendants'
12 Motion for Sanctions Pursuant to Fed. R. Civ. P. 37(c) and 16(f);

13 C. Portions of Defendants' Motion to Compel Reply containing quotes or other material
14 from documents identified herein that have been designated by Plaintiffs as
15 "Confidential Information" or "Highly Confidential Information - Attorneys' Eyes
16 Only";

17 D. Exhibit 8 to the Reply Declaration of Jason McDonell in Support of Defendants'
18 Motion to Compel Production of Financial Information of Plaintiffs; and,

19 E. Portions of the Reply Declaration of Stephen K. Clarke in Support of Defendants'
20 Motion to Compel Production of Financial Information from Plaintiffs.

21
22 2. Sealing of the documents identified above is requested because each of these
23 documents contains information designated by Plaintiffs as Confidential or Highly Confidential –
24 Attorneys Eyes' Only under the protective order entered into in this case. Defendants have
25 narrowly tailored this request by redacting only a limited number of lines or paragraphs of
26 documents and only the precise text that describes or discloses designated information.

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I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct.

Executed this 4th day of August, 2009 in San Francisco, California.

DATED: August 4, 2009

JONES DAY

By: /s/ Jason McDonell
Jason McDonell

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

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