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16 UNITED STATES DISTRICT COURT
 17 NORTHERN DISTRICT OF CALIFORNIA
 18 SAN FRANCISCO DIVISION

19 ORACLE USA, INC., *et al.*,
 20 Plaintiffs,
 21 v.
 22 SAP AG, *et al.*,
 23 Defendants.

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

**[PROPOSED] ORDER GRANTING
 PLAINTIFFS' ADMINISTRATIVE
 MOTION TO FILE UNDER SEAL
 DOCUMENTS SUPPORTING
 PLAINTIFFS' OPPOSITIONS TO
 DEFENDANTS' MOTIONS FOR
 SANCTIONS AND TO COMPEL**

Date: August 18, 2009
 Time: 2:00 pm
 Place: Courtroom E, 15th Floor
 Judge: Hon. Elizabeth D. Laporte

1 Pending before this Court is Plaintiffs Oracle USA, Inc., Oracle International
2 Corporation, and Oracle EMEA Limited (collectively, “Oracle,” and with Defendants, the
3 “Parties”) Administrative Request to File Under Seal Documents and Declarations Supporting
4 Plaintiffs’ Opposition to Defendants’ Motion for Sanctions and Plaintiff’s Opposition to
5 Defendants’ Motion to Compel Financial Information (the “Request to Seal”).

6 Federal Rule of Civil Procedure 26(c) provides broad discretion for a trial court to
7 permit sealing of court documents for, *inter alia*, the protection of “a trade secret or other
8 confidential research, development, or commercial information.” Fed. R. Civ. Proc. 26(c). In
9 particular, when the request for sealing concerns discovery documents attached to a non-
10 dispositive motion, a showing of good cause to seal the documents is sufficient to justify
11 protection under Rule 26(c). *See Navarro v. Eskanos & Adler*, Case No. C-06 02231
12 WHA(EDL), 2007 U.S. Dist. LEXIS 24864 at *7 (March 22,2007) (citing *Kamakana v.*
13 *Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006).

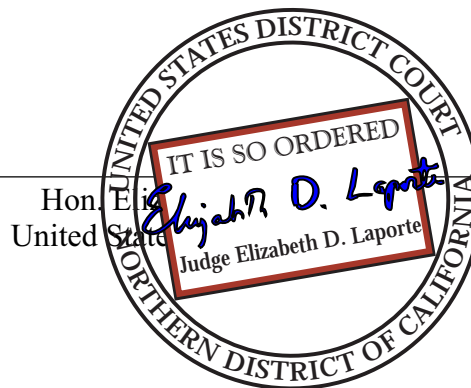
14 In compliance with this Court’s Standing Order for Cases Involving Sealed or
15 Confidential Documents, Rule 26(c) and Civil Local Rule 79-5, Oracle has filed the Declaration
16 of Jennifer Gloss (the “Gloss Declaration”) in support of Plaintiffs’ Motion to Seal on July 28,
17 2009. Through the Gloss Declaration, Oracle provides evidence of good cause sufficient for this
18 Court to permit filing the requested exhibits under seal. The Gloss Declaration establishes both
19 that Oracle has considered and treated the information contained in the subject documents as
20 confidential, commercially sensitive and proprietary, and that public disclosure of such
21 information would create a risk of significant competitive injury and particularized harm and
22 prejudice to Oracle. *See Phillips v. General Motors Corp.* 307 F. 3d 1206, 1211 (9th Cir. 2006).
23 The Gloss Declaration also establishes that the request for sealing has been narrowly tailored.

24 Having considered Plaintiffs’ Request to Seal and the documents and exhibits
25 filed in support, including the Gloss Declaration and the Stipulation of the Parties to Permit
26 Plaintiffs to File Documents Under Seal, and GOOD CAUSE having been shown:

1 IT IS HEREBY ORDERED THAT: Plaintiffs’ Request to Seal is GRANTED.
 2 The Clerk of the Court shall file under seal the unredacted versions of the following documents
 3 that have been lodged with the Court: (1) portions of the Opposition to Sanctions Motion; (2)
 4 the testimony identified as Exhibits G through J of the House Sanctions Declaration; (3) portions
 5 of the Motion to Compel Opposition; (4) portions of the House Motion to Compel Declaration;
 6 (5) the document identified as Exhibit F of the House Motion to Compel Declaration; (6)
 7 portions of the Guner Declaration; (7) portions of San Juan Declaration; and (8) portions of the
 8 Meyer Declaration.

9 IT IS SO ORDERED

10 DATED: August 12, 2009



Hon. E. Elizabeth D. Laporte
United States District Judge

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