

1 Robert A. Mittelstaedt (SBN 060359)
 Jason McDonell (SBN 115084)
 2 Elaine Wallace (SBN 197882)
 JONES DAY
 3 555 California Street, 26th Floor
 San Francisco, CA 94104
 4 Telephone: (415) 626-3939
 Facsimile: (415) 875-5700
 5 ramittelstaedt@jonesday.com
 jmcdonell@jonesday.com
 6 ewallace@jonesday.com

7 Tharan Gregory Lanier (SBN 138784)
 Jane L. Froyd (SBN 220776)
 8 JONES DAY
 1755 Embarcadero Road
 9 Palo Alto, CA 94303
 Telephone: (650) 739-3939
 10 Facsimile: (650) 739-3900
 tglanier@jonesday.com
 11 jfroyd@jonesday.com

12 Scott W. Cowan (Admitted *Pro Hac Vice*)
 Joshua L. Fuchs (Admitted *Pro Hac Vice*)
 13 JONES DAY
 717 Texas, Suite 3300
 14 Houston, TX 77002
 Telephone: (832) 239-3939
 15 Facsimile: (832) 239-3600
 swcowan@jonesday.com
 16 jlfuchs@jonesday.com

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.

BINGHAM McCUTCHEN LLP
 DONN P. PICKETT (SBN 72257)
 GEOFFREY M. HOWARD (SBN 157468)
 HOLLY A. HOUSE (SBN 136045)
 ZACHARY J. ALINDER (SBN 209009)
 BREE HANN (SBN 215695)
 Three Embarcadero Center
 San Francisco, CA 94111-4067
 Telephone: (415) 393-2000
 Facsimile: (415) 393-2286
 donn.pickett@bingham.com
 geoff.howard@bingham.com
 holly.house@bingham.com
 zachary.alinder@bingham.com
 bree.hann@bingham.com

DORIAN DALEY (SBN 129049)
 JENNIFER GLOSS (SBN 154227)
 500 Oracle Parkway
 M/S 5op7
 Redwood City, CA 94070
 Telephone: (650) 506-4846
 Facsimile: (650) 506-7114
 dorian.daley@oracle.com
 jennifer.gloss@oracle.com

Attorneys for Plaintiffs
 Oracle USA, Inc., Oracle International
 Corporation, and Oracle EMEA Limited

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

**STIPULATED ADMINISTRATIVE
 MOTION TO REMOVE
 INCORRECTLY FILED
 DOCUMENTS**

1 Pursuant to Local Rule 7-11, Defendants SAP AG, SAP America, Inc., and
2 TomorrowNow, Inc. (“Defendants”) and Plaintiffs Oracle USA, Inc. Oracle International
3 Corporation, and Oracle EMEA Limited (“Plaintiffs,” and together with Defendants, the “Parties”)
4 respectfully request that the Court order the Clerk of the Court to remove the following
5 documents from the docket in the above-referenced matter: Docket No. 431, Defendants’ Notice
6 of Motion and Motion for Partial Summary Judgment Regarding Plaintiffs’ Damages Claim, and
7 Docket No. 437, Defendants’ Answer and Affirmative Defenses to Fourth Amended Complaint
8 (the “Documents”).

9 The Documents contain information designated by Plaintiffs as Confidential or Highly
10 Confidential - Attorneys’ Eyes Only pursuant to the protective order entered in the case. *See*
11 Declaration of Tharan Gregory Lanier in Support of Stipulated Motion to Remove Incorrectly
12 Filed Documents (“Lanier Decl.”) at ¶ 2. On August 26, 2009, Defendants lodged the Documents
13 with the Court under seal and e-filed copies of the Documents in redacted form.¹ *Id.* at ¶ 2.

14 After filing the Documents, it came to Defendants’ attention that there were errors in the
15 redaction process. To protect the alleged confidentiality of the materials put at issue by the
16 Documents until such time as the Court makes a final ruling as to confidentiality of the relevant
17 subject matter, the Parties respectfully request that the Court grant this motion and order the relief
18 requested.

19
20 **IT IS SO STIPULATED.**
21
22
23
24
25

26
27 ¹ Defendants also submitted motions to file the document under seal. *See* D.I. 434, 438.
28 The basis for these motions is that the information sought to be sealed has been designated
Confidential or Highly Confidential - Attorneys’ Eyes Only by Plaintiffs under the protective
order, and Plaintiffs have requested that it not be publicly filed. *Id.* at ¶ 2.

1 DATED: August 27, 2009

JONES DAY

2

3

By: /s/ Tharan Gregory Lanier
Tharan Gregory Lanier

4

5

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

6

7

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

9

DATED: August 27, 2009

BINGHAM McCUTCHEN LLP

10

11

By: /s/ Geoffrey M. Howard
Geoffrey M. Howard

12

13

Attorneys for Plaintiffs
ORACLE USA, INC., ORACLE
INTERNATIONAL CORPORATION, and
ORACLE EMEA LIMITED

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28