

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 OAKLAND 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)

**[PROPOSED] ORDER GRANTING
 PLAINTIFFS' ADMINISTRATIVE
 MOTION TO PERMIT PLAINTIFFS
 TO FILE UNDER SEAL
 DEFENDANTS' INFORMATION
 SUPPORTING PLAINTIFFS'
 OPPOSITION TO DEFENDANTS'
 MOTION FOR PARTIAL
 SUMMARY JUDGMENT**

1 Pending before this Court is Plaintiffs' Administrative Motion to Permit Plaintiffs to File
2 Under Seal Defendants' Information Supporting Plaintiffs' Opposition to Defendants' Motion for
3 Partial Summary Judgment (the "Motion to Seal"). Through the Motion to Seal and supporting
4 documents, Plaintiffs Oracle USA, Inc., Oracle International Corporation, Oracle EMEA Limited
5 and Siebel Systems, Inc. (collectively, "Plaintiffs" or "Oracle"), together with SAP AG, SAP
6 America, Inc. (together, "SAP") and TomorrowNow, Inc. (collectively, "Defendants," and with
7 Plaintiffs, the "Parties"), request an Order sealing (1) excerpts from Defendants' document
8 entitled "SAP AG, Fair Value of Certain Assets, Liabilities and Legal Entities of Business
9 Objects S.A. As of January 21, 2008," attached as Exhibit 44 to the Declaration of Paul K. Meyer
10 in Support of Plaintiffs' Opposition to Defendants' Motion for Partial Summary Judgment
11 ("Meyer Declaration"); and (2) portions of Plaintiffs' Opposition to Defendants' Motion for
12 Partial Summary Judgment Regarding Plaintiffs' Hypothetical [Fair Market Value] License
13 Damages at 22:13-14 and portions of the Declaration of Lawrence Ellison ("Ellison Declaration")
14 at 3:21-23 referencing payments made pursuant to the database reseller agreement between
15 Oracle and SAP.

16 Having considered Plaintiffs' Motion to Seal and the documents filed in support, as well
17 as Defendants' Response in Support of Plaintiffs' Motion to Seal and the supporting Declaration
18 of Werner Brandt, and both good cause and compelling reasons having been shown, IT IS
19 HEREBY ORDERED THAT: Plaintiffs' Motion to Seal is GRANTED. The Clerk of the Court
20 shall file under seal the unredacted versions of the following documents that were lodged with the
21 Court on September 23, 2009: Plaintiffs' Opposition to Defendants' Motion for Partial Summary
22 Judgment Regarding Plaintiffs' Hypothetical [Fair Market Value] License Damages, Exhibit 44
23 to the Meyer Declaration and the Ellison Declaration.

24
25 DATED: _____

By: _____
Hon. Phyllis J. Hamilton