

1 BINGHAM McCUTCHEM LLP  
 2 DONN P. PICKETT (SBN 72257)  
 3 GEOFFREY M. HOWARD (SBN 157468)  
 4 HOLLY A. HOUSE (SBN 136045)  
 5 ZACHARY J. ALINDER (SBN 209009)  
 6 BREE HANN (SBN 215695)  
 7 Three Embarcadero Center  
 8 San Francisco, CA 94111-4067  
 9 Telephone: (415) 393-2000  
 10 Facsimile: (415) 393-2286  
 11 donn.pickett@bingham.com  
 12 geoff.howard@bingham.com  
 13 holly.house@bingham.com  
 14 zachary.alinder@bingham.com  
 15 bree.hann@bingham.com

9 DORIAN DALEY (SBN 129049)  
 10 JENNIFER GLOSS (SBN 154227)  
 11 500 Oracle Parkway, M/S 5op7  
 12 Redwood City, CA 94070  
 13 Telephone: (650) 506-4846  
 14 Facsimile: (650) 506-7114  
 15 dorian.daley@oracle.com  
 16 jennifer.gloss@oracle.com

14 Attorneys for Plaintiffs  
 15 Oracle USA, Inc., Oracle International  
 16 Corporation, Oracle EMEA Limited, and  
 17 Siebel Systems, Inc.

16 UNITED STATES DISTRICT COURT  
 17 NORTHERN DISTRICT OF CALIFORNIA  
 18 OAKLAND 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)

**STIPULATION TO PERMIT  
 PLAINTIFFS TO FILE PORTIONS OF  
 THE JOINT DISCOVERY  
 CONFERENCE STATEMENT UNDER  
 SEAL**

24  
 25  
 26  
 27  
 28

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

1 Pursuant to Local Rules 7-11(a) and 79-5(b)-(c), Plaintiffs Oracle USA, Inc., Oracle  
2 International Corporation, Oracle EMEA Limited, and Siebel Systems, Inc. (collectively,  
3 “Oracle”) and Defendants SAP AG, SAP America, Inc., and TomorrowNow, Inc. (collectively,  
4 “Defendants,” and with Oracle, the “Parties”), jointly submit this stipulation to permit Oracle to  
5 file portions of Exhibit H to the Parties’ November 10, 2009 Joint Discovery Conference  
6 Statement (“Statement”) under seal.

7 The requested relief is necessary and narrowly tailored to protect the alleged  
8 confidentiality of the materials put at issue by the Parties’ Statement, until such time as the Court  
9 rules on the confidentiality of the relevant subject matter.

10 Specifically, Exhibit H to the Statement contains information designated by Defendants  
11 as “Highly Confidential Information – Attorneys’ Eyes Only” pursuant to the Protective Order  
12 entered in this action on June 6, 2007.

13 Accordingly, the Parties, through their respective counsel of record, stipulate that Oracle  
14 be permitted to file portions of Exhibit H to the Statement under seal. The Parties further agree  
15 that this Stipulation is not intended to relieve Defendants’ burden, under Local Rule 79-5(d), of  
16 supporting the confidentiality of the documents at issue.

17 IT IS SO STIPULATED.

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28

1 DATED: November 12, 2009

BINGHAM McCUTCHEN LLP

2

By: \_\_\_\_\_ /s/ Bree Hann

3

4

Bree Hann  
Attorneys for Plaintiffs  
Oracle USA, Inc., Oracle International  
Corporation, Oracle EMEA Limited, and  
Siebel Systems, Inc.

5

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

10 DATED: November 12, 2009

JONES DAY

11

By: \_\_\_\_\_ /s/ Jason McDonell

12

13

Jason McDonell  
Attorneys for Defendants  
SAP AG, SAP America, Inc., and  
TomorrowNow, Inc.

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28