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 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.

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

**STIPULATION AND [PROPOSED]  
 ORDER TO AMEND THE  
 STIPULATED PROTECTIVE  
 ORDER**

1 Plaintiffs Oracle USA, Inc. Oracle International Corporation, Oracle EMEA Limited, and  
2 Siebel Systems, Inc. (“Plaintiffs”) and Defendants SAP AG, SAP America, Inc., and  
3 TomorrowNow, Inc. (“Defendants,” and together with Oracle, the “Parties”) jointly submit this  
4 Stipulation and Proposed Order to Amend the Stipulated Protective Order.

5 WHEREAS, on June 6, 2007, the Court issued a Stipulated Protective Order in this matter  
6 (D.I. 32);

7 WHEREAS, the Parties have agreed, with the permission of the Court, Exhibit B to the  
8 Stipulated Protective Order (“Exhibit B”), titled “Insurance Carrier Addendum,” shall be made  
9 part of the Stipulated Protective Order;

10 WHEREAS, the Parties have agreed, with the permission of the Court, Exhibit C to the  
11 Stipulated Protective Order (“Exhibit C”), titled “Insurer Declaration of Compliance,” shall be  
12 made part of the Stipulated Protective Order;

13 WHEREAS, the Parties have agreed, with the permission of the Court, Exhibit B and  
14 Exhibit C, attached to this Joint Stipulation and Proposed Order as Attachment 1, shall  
15 immediately follow Exhibit A in the Stipulated Protective Order.

16 **IT IS SO STIPULATED.**

17 DATED: November 18, 2009

JONES DAY

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By: /s/ Scott Cowan  
Scott Cowan

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

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

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DATED: November 18, 2009

BINGHAM McCUTCHEN LLP

By:           /s/ Bree Hann            
Bree Hann

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

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Date: \_\_\_\_\_

\_\_\_\_\_  
Judge Elizabeth D. Laporte  
United States Magistrate Judge