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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 TO PERMIT
 DEFENDANTS TO FILE
 DOCUMENTS UNDER SEAL IN
 SUPPORT OF DEFENDANTS'
 MOTION TO COMPEL**

1 Pursuant to Local Rules 7-11(a) and 79-5(c), Plaintiffs Oracle USA, Inc., Oracle
2 International Corporation, Oracle EMEA Limited, and Siebel Systems, Inc. (“Plaintiffs”) and
3 Defendants SAP AG, SAP America, Inc., and TomorrowNow, Inc. (“Defendants,” and together
4 with Oracle, the “Parties”) jointly submit this Stipulation to permit Defendants to file under seal
5 documents supporting Defendants’ Motion to Compel (“Motion to Compel”), filed December 11,
6 2009.

7 WHEREAS, the requested relief is necessary and narrowly tailored to protect the alleged
8 confidentiality of the materials put at issue by the Defendants’ Motion to Compel until such time
9 as the Court makes a final ruling as to confidentiality of the relevant subject matter. Specifically,
10 the following materials constitute documents that contain information designated by Plaintiffs as
11 “Confidential Information” or “Highly Confidential Information - Attorneys’ Eyes Only”
12 pursuant to the Protective Order entered on June 6, 2007 in this action:

- 13 1. Portions of Defendants’ Motion to Compel containing quotes or other material from
14 documents identified herein that have been designated by Plaintiffs as “Confidential
15 Information” or “Highly Confidential Information - Attorneys’ Eyes Only”;
- 16 2. Exhibits A, C, F, G, H and K and Appendix 5 to the Declaration of Scott Cowan in
17 Support of Defendants’ Motion to Compel (“Cowan Declaration”).

18 NOW, THEREFORE, IT IS HEREBY STIPULATED by the Parties, through their
19 respective counsel of record, that Defendant be permitted to file under seal their documents
20 supporting Defendants’ Motion to Compel. The Parties further agree that Defendants reserve
21 their rights to challenge the confidentiality of the information filed under seal pursuant to this
22 Stipulation.

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1 DATED: December 11, 2009

JONES DAY

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By: /s/ Scott W. Cowan
Scott W. 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
8 concurrence in the filing of this document has been obtained from the signatory below.

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DATED: December 11, 2009

BINGHAM McCUTCHEN LLP

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By: /s/ Zachary Alinder
Zachary Alinder

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13

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

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