

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 jl fuchs@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.

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, Oracle EMEA Limited, and
 Siebel Systems, Inc.

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.

23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DATED: December 11, 2009

JONES DAY

By: /s/ Scott W. Cowan
Scott W. Cowan

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

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.

DATED: December 11, 2009

BINGHAM McCUTCHEN LLP

By: /s/ Zachary Alinder
Zachary Alinder

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

SFI-625459v1