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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

ORACLE USA, INC., *et al.*,
 Plaintiffs,
 v.
 SAP AG, *et al.*,
 Defendants.

CASE NO. 07-CV-01658 PJH (EDL)

**STIPULATION TO PERMIT PLAINTIFFS
 TO FILE UNDER SEAL DEFENDANTS'
 INFORMATION SUPPORTING
 PLAINTIFFS' MOTION TO MODIFY THE
 PROTECTIVE ORDER AND TO COMPEL
 DEPOSITION TESTIMONY AND
 FURTHER RESPONSES TO REQUESTS
 FOR ADMISSION**

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

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 Plaintiffs, the "Parties") jointly submit this Stipulation to Permit Plaintiffs to File Under
5 Seal Defendants' Information Supporting Plaintiffs' Motion to Modify the Protective Order and
6 to Compel Deposition Testimony and Further Responses to Requests for Admissions ("Motion to
7 Compel").

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

- 14 1. Exhibit T to the Declaration of Chad Russell in Support of Plaintiffs' Motion to
15 Compel, which is also Plaintiffs' Deposition Exhibit 1684, contains information
16 Defendants have instructed Plaintiffs to seek permission to file under seal.

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

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23 DATED: December 11, 2009

Bingham McCutchen LLP

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By: /s/ Chad Russell
Chad Russell
Attorneys for Plaintiffs Oracle USA, Inc.,
Oracle International Corporation, Oracle
EMEA Limited, and Siebel Systems, Inc.

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

3
4 DATED: December 11, 2009

JONES DAY

5 By: /s/ Scott Cowan
6 Scott Cowan
7 Attorneys for Defendants
8 SAP AG, SAP America, Inc., and
9 TomorrowNow, Inc.

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