

1 Robert A. Mittelstaedt (SBN 060359)  
 Jason McDonell (SBN 115084)  
 2 Elaine Wallace (SBN 197882)  
 JONES DAY  
 3 555 California Street, 26<sup>th</sup> 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 jlfuchs@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 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 D to the  
8 Stipulated Protective Order (“Exhibit D”), titled “SAP Coverage Counsel Addendum,” and its  
9 related acknowledgement form titled “SAP Coverage Counsel Declaration of Compliance”  
10 (“Exhibit E”) shall be made part of the Stipulated Protective Order; and

11 WHEREAS, the Parties have agreed, with the permission of the Court, Exhibits D and E,  
12 attached to this Joint Stipulation and Proposed Order as Attachment 1, shall immediately follow  
13 Exhibit C in the Stipulated Protective Order.

14 **IT IS SO STIPULATED.**

15 DATED: January 6, 2009

JONES DAY

17  
18 By: /s/ Scott Cowan  
Scott Cowan

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

21 In accordance with General Order No. 45, Rule X, the above signatory attests that  
22 concurrence in the filing of this document has been obtained from the signatory below.  
23  
24  
25  
26  
27  
28

1 DATED: January 6, 2009

BINGHAM McCUTCHEN LLP

2  
3 By: /s/ Holly House  
4 Holly House

5 Attorneys for Plaintiffs  
6 ORACLE USA, INC., ORACLE  
7 INTERNATIONAL CORPORATION,  
8 ORACLE EMEA LIMITED, and SIEBEL  
9 SYSTEMS, INC.

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

11  
12  
13  
14 Date: \_\_\_\_\_

\_\_\_\_\_  
15 Judge Elizabeth D. Laporte  
16 United States Magistrate Judge  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28