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

**DECLARATION OF MARK WHITE IN SUPPORT OF  
 DEFENDANTS' RESPONSE TO PLAINTIFFS'  
 ADMINISTRATIVE MOTION TO PERMIT  
 PLAINTIFFS TO FILE UNDER SEAL INFORMATION  
 SUPPORTING ORACLE'S OPPOSITION TO  
 DEFENDANTS MOTION TO COMPEL**

Date and Time: N/A  
 Courtroom: E, 15<sup>th</sup> Floor  
 Judge: Hon. Elizabeth D. Laporte

1 I, MARK WHITE, declare:

2 I am the Chief Financial Officer of SAP America, Inc. and a member of the  
3 TomorrowNow, Inc. Board of Directors, both Defendants in this case. I make this declaration  
4 based on personal knowledge and, if called upon to do so, could testify competently thereto.

5 1. I am familiar with the information contained in Exhibit H to the Declaration of  
6 Zachary J. Alinder in Support of Oracle's Opposition to Defendants' Motion to Compel ("Exhibit  
7 H"). Exhibit H reflects portions of the TomorrowNow Operations Wind Down Final Report,  
8 which I helped prepare. At the time this document was prepared, it was intended to be non-public  
9 and confidential, and SAP has continued to take steps to protect the confidential information it  
10 contains. Exhibit H reflects information about the effort to wind down operations at  
11 TomorrowNow, including details about specific customers' contracts with TomorrowNow and  
12 the ongoing legal structure of TomorrowNow. Public release of this information could adversely  
13 effect SAP's future bargaining position with customers and provide competitive advantage to  
14 SAP's business competitors. Because of the competitively sensitive information contained in the  
15 document, the disclosure of it could likely cause competitive and business injury.

16 I declare under penalty of perjury under the laws of the United States and the State of  
17 California that the foregoing is true and correct. Executed this \_\_\_\_\_ day of January 2010 in  
18 Newtown Square, Pennsylvania.

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Mark White