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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)

**[PROPOSED] ORDER GRANTING
DEFENDANTS' ADMINISTRATIVE
MOTION TO PERMIT
DEFENDANTS TO FILE UNDER
SEAL PLAINTIFFS' DOCUMENTS
SUPPORTING DEFENDANTS'
MOTION FOR PARTIAL
SUMMARY JUDGMENT**

1 Pending before this Court is Defendants' Administrative Motion to File Under
2 Seal Plaintiffs' Documents Supporting Defendants' Motion for Partial Summary Judgment
3 ("Defendants' Administrative Motion"); the supporting declaration of Tharan Gregory Lanier;
4 Stipulation to Permit Defendants to File Under Seal; and Plaintiffs' Response in Support of
5 Defendants' Administrative Motion ("Plaintiffs' Response").

6 Federal Rule of Civil Procedure 26(c) provides broad discretion for a trial court to
7 permit sealing of court documents for, inter alia, the protection of "a trade secret or other
8 confidential research, development, or commercial information." Fed. R. Civ. P. 26(c). When
9 the request for sealing concerns discovery documents attached to a dispositive motion, the moving
10 party must provide "compelling reasons" to justify protection under Rule 26(c). *See Kamakana v.*
11 *City & County of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006).

12 In compliance with this Court's Standing Order for Cases Involving Sealed or
13 Confidential Documents, Rule 26(c) and Civil Local Rule 79-5, Oracle has filed the Declaration
14 of Jennifer Gloss in Support of Plaintiffs' Response on March 10, 2010 ("Gloss Declaration").
15 Plaintiffs' Response, along with the supporting Gloss Declaration, reduces the set of materials
16 that are subject of Defendants' Administrative Motion. For these materials, Oracle provides
17 compelling reasons for this Court to permit filing the requested exhibits under seal. The Gloss
18 Declaration establishes both that Oracle has considered and treated the information contained in
19 the subject documents as confidential, commercially sensitive and proprietary, and that public
20 disclosure of such information would create a risk of significant competitive injury and
21 particularized harm and prejudice to Oracle. The Gloss Declaration also establishes that the
22 request for sealing is narrowly tailored.

23 Having considered Defendants' Administrative Motion, Plaintiffs' Response, and
24 the documents filed in support, and COMPELLING REASONS having been shown:

25 IT IS HEREBY ORDERED THAT: Defendants' Administrative Motion is
26 GRANTED. The Clerk of the Court shall file under seal the unredacted versions of the
27 following documents that were lodged with the Court on March 3, 2010:

- 28
- The following portions of Exhibit A to the March 3, 2010 Declaration of

Tharan Gregory Lanier in Support of Defendants’ Motion for Partial
Summary Judgment (“Lanier Declaration”): portions of ¶ 20 (Table 1),
¶¶ 150-152, ¶¶ 284-285, ¶¶ 287-288, ¶¶ 449-450;

- The following portions of Exhibit B to the Lanier Declaration: portions of
pages 6, 43-44;
- The following portions of Defendants’ March 3, 2010 Motion for Partial
Summary Judgment: the requested portions of 10:16, 11:10.

IT IS SO ORDERED.

DATED: _____, 2010

Honorable Phyllis J. Hamilton
United States District Court Judge