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

23   Plaintiffs,   **DECLARATION OF THARAN GREGORY
                                          LANIER ISO DEFENDANTS'**
24   v.   **ADMINISTRATIVE MOTION TO PERMIT
                                          DEFENDANTS TO FILE UNDER SEAL**
25 SAP AG, et al.,   **PLAINTIFFS' DOCUMENTS SUPPORTING
                                          DEFENDANTS' CROSS MOTION FOR**
26   Defendants.   **PARTIAL SUMMARY JUDGMENT AND
                                          OPPOSITION TO PLAINTIFFS' MOTION**
27   **FOR PARTIAL SUMMARY JUDGMENT**

28

1   I, THARAN GREGORY LANIER, declare:

2   1.   I am a partner in the law firm of Jones Day, 1755 Embarcadero Road, Palo Alto,

3 California 94303, and counsel of record for Defendants SAP AG, SAP America, Inc., and

4 TomorrowNow, Inc. (collectively, "Defendants") in the above-captioned matter. I am a member

5 in good standing of the state bar of California and admitted to practice before this Court. I make

6 this declaration based on personal knowledge and, if called upon to do so, could testify

7 competently thereto.

8   2.   Pursuant to Civil Local Rule 79-5 and the stipulated Protective Order entered on

9 June 6, 2007 in this case, I make this Declaration in support of Defendants' Administrative

10 Motion to Permit Defendants to File Under Seal Plaintiffs' Documents Supporting Defendants'

11 Cross Motion for Partial Summary Judgment and Opposition to Plaintiffs' Motion for Partial

12 Summary Judgment.

13   3.   Defendants file this motion at Plaintiffs' request. The requested relief is necessary

14 and narrowly tailored to protect the alleged confidentiality of the materials put at issue by

15 Defendants' Cross Motion for Partial Summary Judgment and Opposition to Plaintiffs' Motion

16 for Partial Summary Judgment ("Defendants' Cross Motion and Opposition") until such time as

17 Plaintiffs may submit a declaration in accordance with Civil Local Rule 79-5(d), and the Court

18 makes a final ruling as to confidentiality of the relevant subject matter. Specifically, the

19 following portions of documents filed and lodged with the Court contain information designated

20 by Plaintiffs as "Highly Confidential - Attorneys' Eyes Only":

21   •   The following portions of Exhibit 14 to the Declaration of Tharan Gregory Lanier in

22   Support of Defendants' Cross Motion and Opposition ("Lanier Declaration"): 41:11-

23   24;

24   •   The following portions of Exhibit 19 to the Lanier Declaration: 11:24-12:1;

25   •   The following portions of Exhibit 20 to the Lanier Declaration: 42:10-43:3; and

26   •   The following portions of the Cross Motion and Opposition: portions of i:22-23, 11:4-

27   5, 15:4, 16:11-14, 16:27-28, 17:2-4, and 17:11-13.

28 Additionally, the following portion of a document filed and lodged with the Court contains

DECLARATION OF THARAN GREGORY LANIER ISO
MOTION TO FILE UNDER SEAL
Case No. 07-CV-1658 PJH (EDL)

1   information designated by Plaintiffs as "Confidential Information":

2   • The following portions of Exhibit 20 to the Lanier Declaration: 42:7-9.

3   I declare under penalty of perjury under the laws of the United States and the State of

4   California that the foregoing is true and correct. Executed this 31st day of March, 2010 in Palo

5   Alto, California.

6   _____/s/ Tharan Gregory Lanier_____
                                                                    Tharan Gregory Lanier
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