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16 UNITED STATES DISTRICT COURT
 17 NORTHERN DISTRICT OF CALIFORNIA
 18 OAKLAND DIVISION

19 ORACLE USA, INC., *et al.*,
 20 Plaintiffs,
 21 v.
 22 SAP AG, *et al.*,
 Defendants.
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CASE NO. 07-CV-01658 PJH (EDL)

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

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

[PROPOSED] ORDER GRANTING PLAINTIFFS' ADMINISTRATIVE MOTION

1 Pending before this Court is Defendants SAP AG’s, SAP America, Inc.’s, and
2 TomorrowNow, Inc.’s (collectively, “Defendants”) Administrative Motion to Permit Defendants
3 to File Under Seal Plaintiffs’ Documents Supporting Defendants’ Cross Motion For Partial
4 Summary Judgment and Opposition to Plaintiffs’ Motion For Partial Summary Judgment
5 (“Administrative Motion”) (D.I. 673) and Plaintiffs Oracle USA, Inc.’s (now known as “Oracle
6 America, Inc.”), Oracle International Corporation’s, Oracle EMEA Limited’s, and Siebel
7 Systems, Inc.’s (collectively, “Oracle”) Response In Support of Defendants’ Administrative
8 Motion (“Oracle’s Response”) (D.I. 688).

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

15 In compliance with this Court’s Standing Order for Cases Involving Sealed or
16 Confidential Documents, Rule 26(c) and Civil Local Rule 79-5, Oracle has filed the Declaration
17 of Jennifer Gloss (the “Gloss Declaration”) in support of Defendants’ Administrative Motion on
18 April 7, 2010. Oracle provides compelling reasons for this Court to permit filing the requested
19 exhibit under seal. The Gloss Declaration establishes both that Oracle has considered and treated
20 the information contained in the subject documents as confidential, commercially sensitive and
21 proprietary, and that public disclosure of such information would create a risk of significant
22 competitive injury and particularized harm and prejudice to Oracle. The Gloss Declaration also
23 establishes that the request for sealing is narrowly tailored.

24 Having considered Defendants’ Administrative Motion, Oracle’s Response, and
25 the Gloss Declaration filed in support thereof, and compelling reasons having been shown:

26 IT IS HEREBY ORDERED THAT: Defendants’ Administrative Motion is
27 GRANTED. The Clerk of the Court shall file under seal the unredacted versions of Defendants’
28 Cross Motion and Opposition to Plaintiffs’ Motion for Partial Summary Judgment (“Defendants’

1 Cross Motion and Opposition”) at 16:12-14 and 17:2-4; Exhibit 14 to the Declaration of Tharan
2 Gregory Lanier in Support of Defendants’ Cross Motion and Opposition (“Lanier Declaration”)
3 at 41:11-24; Exhibit 19 to the Lanier Declaration at 11:24-12:1; and Exhibit 20 to the Lanier
4 Declaration at 42:7-43:3 and 46:13-47:22.

5 IT IS SO ORDERED.

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7 DATED: _____, 2010

Honorable Phyllis J. Hamilton
United States District Court Judge

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