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20 UNITED STATES DISTRICT COURT
 21 NORTHERN DISTRICT OF CALIFORNIA
 22 OAKLAND DIVISION

23 ORACLE USA, INC., et al.,

24 Plaintiffs,

25 v.

26 SAP AG, et al.,

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

**STIPULATION TO PERMIT
 DEFENDANTS TO FILE UNDER
 SEAL PLAINTIFFS' DOCUMENT IN
 SUPPORT OF DEFENDANTS'
 MOTIONS IN LIMINE**

1 Pursuant to Local Rules 7-11(a) and 79-5(c), Plaintiffs Oracle USA, Inc., Oracle
2 International Corporation, Oracle EMEA Limited, and Siebel Systems, Inc. (“Plaintiffs”) and
3 Defendants SAP AG, SAP America, Inc., and TomorrowNow, Inc. (“Defendants,” and together
4 with Plaintiffs, the “Parties”) jointly submit this Stipulation to Permit Defendants to File Under
5 Seal Plaintiffs’ Document in Support of Defendants’ Motions in Limine.

6 WHEREAS, Defendants filed Defendants’ Motions in Limine, along with Exhibit K to the
7 Declaration of Jason McDonnell in Support of Defendants’ Motions in Limine (“Exhibit K”), on
8 August 5, 2010;

9 WHEREAS, at Plaintiffs’ request, Defendants have filed an Administrative Motion to
10 Permit Defendants to File Under Seal Plaintiffs’ Document Supporting Defendants’ Motions in
11 Limine;

12 WHEREAS the requested relief is necessary and narrowly tailored to protect the alleged
13 confidentiality of the material put at issue by Defendants’ Motions in Limine until such time as
14 the Court makes a final ruling as to confidentiality of the relevant subject matter. Specifically,
15 the following portions of a document contain information designated by Plaintiffs as “Highly
16 Confidential - Attorneys’ Eyes Only”:

- 17 • Portions of Exhibit K: portions of 4:12, 4:14, 7:21-26, 8:1-4, 8:14, 8:21.

18 NOW, THEREFORE, IT IS HEREBY STIPULATED by the Parties, through their
19 respective counsel of record, that Defendants be permitted to move for permission to file under
20 seal portions of Exhibit K, as described above. The Parties further agree that Defendants reserve
21 their rights to challenge the confidentiality of the information filed under seal pursuant to this
22 Stipulation. While the Parties agree that Defendants’ concurrently filed Trial Brief, Motions in
23 Limine, and portions of Exhibit K may be publicly filed, the Parties also agree that the filing shall
24 not be construed as a waiver of any confidentiality designation or other protection with respect to
25 documents, transcripts, or other information referred to in, or that serve as the basis for, the
26 allegations or arguments made in them.

27 **IT IS SO STIPULATED.**

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DATED: August 5, 2010

JONES DAY

By: /s/ Tharan Gregory Lanier
Tharan Gregory Lanier

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

In accordance with General Order No. 45, Rule X, the above signatory attests that
concurrence in the filing of this document has been obtained from the signatory below.

DATED: August 5, 2010

BINGHAM McCUTCHEN LLP

By: /s/ Geoffrey M. Howard
Geoffrey M. Howard

Attorneys for Plaintiffs
ORACLE USA, INC., ORACLE
INTERNATIONAL CORPORATION,
ORACLE EMEA LIMITED, and SIEBEL
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