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

24 ORACLE USA, INC., *et al.*,

25 Plaintiffs,

26 v.

27 SAP AG, *et al.*,

28 Defendants.

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

**PLAINTIFFS' ADMINISTRATIVE
 MOTION TO PERMIT PLAINTIFFS
 TO FILE UNDER SEAL
 INFORMATION SUPPORTING
 PLAINTIFFS' MOTIONS *IN LIMINE***

1 **I. INTRODUCTION**

2 Pursuant to Local Rules 7-11(a) and 79-5(c), Plaintiffs Oracle USA, Inc., Oracle
3 International Corporation, Oracle EMEA Limited and Siebel Systems, Inc. (“Plaintiffs” or
4 Oracle) hereby move that the Court order the Clerk of the Court to file under seal (1) Exhibit X
5 to the Declaration of Thomas S. Hixson In Support of Plaintiffs’ Motions *in Limine* (“Hixson
6 Declaration”), and (2) related portions of Plaintiffs’ Motions *in Limine* at 14:27-15:1 and 15:3-4.

7 Exhibit X to the Hixson Declaration contains information properly designated
8 pursuant to the Stipulated Protective Order entered in this action as “Highly Confidential
9 Information — Attorneys’ Eyes Only” by Oracle. Good cause exists to support filing Exhibit X
10 and the related portions of Plaintiffs’ Motions *in Limine* under seal, as established in the attached
11 Declaration of Jennifer Gloss in Support of Plaintiffs’ Administrative Motion to Permit Plaintiffs
12 to File Under Seal Information Supporting Plaintiffs’ Motions *in Limine* (“Gloss Declaration”),
13 because Oracle has narrowly tailored its request to seal both information non-interested third-
14 party customers might consider confidential, and non-public, commercially sensitive, and private
15 Oracle confidential information, the disclosure of which would create a risk of significant
16 competitive injury and particularized harm and prejudice to Oracle.

17 Unredacted versions of Exhibit X to the Hixson Declaration and the related
18 portions of Plaintiffs’ Motions *in Limine* will be lodged with the Court on August 6, 2010
19 pursuant to General Order No. 62. Accordingly, the Court should grant this Motion.

20 **II. GOOD CAUSE EXISTS TO SUPPORT FILING THE REQUESTED**
21 **INFORMATION UNDER SEAL**

22 Federal Rule of Civil Procedure 26(c) provides broad discretion for a trial court to
23 permit sealing of court documents for, inter alia, the protection of “a trade secret or other
24 confidential . . . commercial information.” Fed. R. Civ. P. 26(c). In particular, when the request
25 for sealing concerns discovery documents attached to a nondispositive motion, a showing of
26 good cause to seal the documents is sufficient to justify protection under Rule 26(c). *Navarro v.*
27 *Eskanos & Adler*, Case No. C-06 02231 WHA(EDL), 2007 U.S. Dist. LEXIS 24864, at *7
28 (March 22, 2007) (citing *Kamakana v. Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006)). To make

