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 22 *al.*

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

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

25 Plaintiffs,

26 v.

27 SAP AG, *et al.*,

28 Defendants.

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CASE NO. 07-CV-01658 PJH (EDL)

**STIPULATION TO PERMIT
 PLAINTIFFS TO FILE UNDER SEAL
 INFORMATION SUPPORTING
 PLAINTIFFS' 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 Plaintiffs to File Under
5 Seal Information Supporting Plaintiffs’ Motions *in Limine*.

6 WHEREAS, Plaintiffs filed their Motions *in Limine*, along with Exhibit X to the
7 Declaration of Thomas S. Hixson In Support of Plaintiffs’ Motions *in Limine* (“Hixson
8 Declaration”) on August 5, 2010;

9 WHEREAS, Plaintiffs will lodge with the Court unredacted versions of Plaintiffs’
10 Motions *in Limine* and Exhibit X to the Hixson Declaration on August 6, 2010;

11 WHEREAS, Plaintiffs have filed an Administrative Motion to Permit Plaintiffs to
12 File Under Seal Information Supporting Plaintiffs’ Motions *in Limine* (“Administrative
13 Motion”);

14 WHEREAS, the requested relief in the Administrative Motion is necessary and
15 narrowly tailored to protect the alleged confidentiality of the materials put at issue in Plaintiffs’
16 Motions *in Limine* until such time as the Court makes a final ruling as to confidentiality of the
17 relevant subject matter. Specifically, the following materials constitute documents that contain
18 information designated by Plaintiffs as “Highly Confidential Information — Attorneys’ Eyes
19 Only” pursuant to the Stipulated Protective Order:

20 (1) Exhibit X to the Hixson Declaration;

21 (2) related portions of Plaintiffs’ Motions *in Limine* at 14:27-15:1 and 15:3-4.

22 NOW, THEREFORE, IT IS HEREBY STIPULATED by the Parties, through
23 their respective counsel of record, that Plaintiffs are permitted to move for permission to file
24 under seal portions of Plaintiffs’ Motions *in Limine*, as well as Exhibit X to the Hixson
25 Declaration, as described above. The Parties further agree that Defendants reserve their rights to
26 challenge the confidentiality of the information filed under seal pursuant to this Stipulation.
27 While the Parties agree that portions of Plaintiffs’ Motions *in Limine* may be publicly filed, the
28 Parties also agree that the filing shall not be construed as a waiver of any confidentiality

1 designation or other protection with respect to documents, transcripts, or other information
2 referred to in, or that serve as the basis for, the allegations or arguments made in it.

3 **IT IS SO STIPULATED.**

4 DATED: August 5, 2010

Bingham McCutchen LLP

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7 By: /s/ Geoffrey M. Howard
8 Geoffrey M. Howard
9 Attorneys for Plaintiffs Oracle USA,
10 Inc., Oracle International Corporation,
11 Oracle EMEA Limited, and Siebel
12 Systems, Inc.

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

14 DATED: August 5, 2010

JONES DAY

15
16
17 By: /s/ Tharan Gregory Lanier
18 Tharan Gregory Lanier
19 Attorneys for Defendants
20 SAP AG, SAP America, Inc., and
21 TomorrowNow, Inc.