

1 BINGHAM McCUTCHEM LLP  
 2 DONN P. PICKETT (SBN 72257)  
 3 GEOFFREY M. HOWARD (SBN 157468)  
 4 HOLLY A. HOUSE (SBN 136045)  
 5 ZACHARY J. ALINDER (SBN 209009)  
 6 BREE HANN (SBN 215695)  
 7 Three Embarcadero Center  
 8 San Francisco, CA 94111-4067  
 9 Telephone: (415) 393-2000  
 10 Facsimile: (415) 393-2286  
 11 donn.pickett@bingham.com  
 12 geoff.howard@bingham.com  
 13 holly.house@bingham.com  
 14 zachary.alinder@bingham.com  
 15 bree.hann@bingham.com

9 BOIES, SCHILLER & FLEXNER LLP  
 10 DAVID BOIES (Admitted *Pro Hac Vice*)  
 11 333 Main Street  
 12 Armonk, NY 10504  
 13 Telephone: (914) 749-8200  
 14 dboies@bsflp.com  
 15 STEVEN C. HOLTZMAN (SBN 144177)  
 16 1999 Harrison St., Suite 900  
 17 Oakland, CA 94612  
 18 Telephone: (510) 874-1000  
 19 sholtzman@bsflp.com

15 DORIAN DALEY (SBN 129049)  
 16 JENNIFER GLOSS (SBN 154227)  
 17 500 Oracle Parkway, M/S 5op7  
 18 Redwood City, CA 94070  
 19 Telephone: (650) 506-4846  
 20 Facsimile: (650) 506-7114  
 21 dorian.daley@oracle.com  
 22 jennifer.gloss@oracle.com

20 Attorneys for Plaintiffs  
 Oracle USA, Inc., *et al.*

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)

**[PROPOSED] ORDER GRANTING  
 DEFENDANTS' ADMINISTRATIVE  
 MOTION TO PERMIT DEFENDANTS'  
 TO FILE UNDER SEAL PLAINTIFFS'  
 DOCUMENT IN SUPPORT OF  
 DEFENDANTS' MOTIONS IN  
 LIMINE**

1 Pending before this Court is Defendants’ Administrative Motion to Permit  
2 Defendants to File Under Seal Plaintiffs’ Document in Support of Defendants’ Motions in  
3 Limine ( “Defendants’ Motion to Seal”) (D.I. 730). Through Defendants’ Motion to Seal and  
4 Plaintiffs’ Response in Support of Defendants’ Motion to Seal, Plaintiffs Oracle USA, Inc.,  
5 Oracle International Corporation, Oracle EMEA Limited, and Siebel Systems, Inc. (collectively,  
6 “Oracle”), together with SAP AG, SAP America, Inc., and TomorrowNow, Inc. (collectively,  
7 “Defendants,” and with Oracle, the “Parties”), request an Order sealing portions of Exhibit K to  
8 the Declaration of Jason McDonell in Support of Defendants’ Motions in Limine (“McDonell  
9 Declaration”).

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

18 In compliance with this Court’s Standing Order Involving Sealed or Confidential  
19 Documents, Rule 26(c) and Civil Local Rule 79-5, Oracle filed the Declaration of Jennifer Gloss  
20 (the “Gloss Declaration”) in support of Defendants’ Motion to Seal on August 12, 2010.  
21 Through the Gloss Declaration, Oracle provides evidence of good cause sufficient for this Court  
22 to permit filing portions of the requested document under seal. The Gloss Declaration  
23 establishes both that Oracle has considered and treated the information contained in the subject  
24 documents as confidential, commercially sensitive and proprietary, and that public disclosure of  
25 such information would create a risk of significant competitive injury and particularized harm  
26 and prejudice to Oracle. The Gloss Declaration also establishes that the request for sealing has  
27 been narrowly tailored.

28 Having considered Defendants’ Motion to Seal and the Gloss Declaration in

1 Support thereof, and good cause having been shown:

2 IT IS HEREBY ORDERED THAT Defendants' Motion to Seal is GRANTED.

3 The Clerk of the Court shall file under seal Exhibit K to the McDonell Declaration at 4:14, 4:16,  
4 7:22-7:28, 8:3-8:5, 8:15-8:16 and 8:22-8:23, an unredacted version of which has been lodged  
5 with the Court.

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DATED: \_\_\_\_\_

\_\_\_\_\_

Hon. Phyllis J. Hamilton  
United States District Court Judge

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