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23 UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 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)

**DECLARATION OF JENNIFER
 GLOSS IN SUPPORT OF
 ADMINISTRATIVE MOTION TO
 SEAL PLAINTIFFS' DOCUMENT IN
 SUPPORT OF DEFENDANTS'
 MOTIONS IN LIMINE**

1 I, Jennifer Gloss, declare as follows:

2 1. I am an attorney licensed to practice law in the State of California and am Senior
3 Corporate Counsel at Oracle America, Inc., successor to Oracle USA, Inc. (“Oracle”). I have
4 personal knowledge of the facts stated within this Declaration and could testify competently to
5 them if required.

6 2. I have reviewed the following document filed in support of Defendants’ Motions
7 in Limine: Exhibit K to the Declaration of Jason McDonell in Support of Defendants’ Motions
8 in Limine.

9 3. Exhibit K is a March 1, 2010 Declaration of Norm Ackermann filed in support of
10 Oracle’s Motion of Partial Summary Judgment (D.I. 650).

11 4. The Ackermann Declaration contains excerpts of and information regarding
12 Oracle’s source code. Specifically, the Ackermann Declaration at paragraph 10 identifies
13 specific fields and tables in Oracle’s database schema. The Ackermann Declaration at paragraph
14 21 contains excerpts of Oracle’s software code for HRMS 7.0, 7.5 and 8.0 SP1. Paragraphs 23
15 and 24 of the Ackermann Declaration identify specific lines of Oracle’s code. Oracle employs
16 extraordinary measures to protect the confidentiality of its software code, including by restricting
17 the redistribution, copying, or other disclosure of the code by customers and others with access
18 to the code. Oracle’s code is extremely sensitive, valuable and proprietary information, and is at
19 the core of the products and services Oracle provides to its customers. Public disclosure of this
20 information would cause competitive harm by giving competitors as well as would-be infringers
21 unrestricted access to Oracle’s source code.

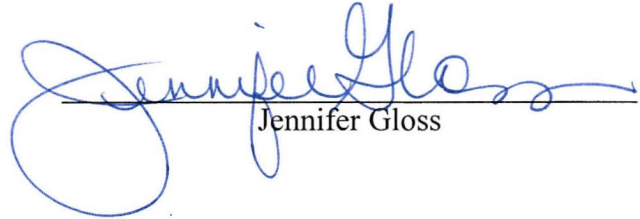
22 5. The Ackermann Declaration contains non-public, commercially sensitive, private
23 and confidential information, the disclosure of which would create a risk of significant
24 competitive injury and particularized harm and prejudice to Oracle.

25 6. Oracle has continued to protect and treat the information in the specific portions
26 of the Ackermann Declaration identified in paragraph 4 above as confidential information and
27 has previously submitted these portions of the Ackermann Declaration under seal.

28 7. Oracle has narrowly tailored its request by only requesting redaction or sealing of

1 the specific portions of the Ackermann Declaration that contain the most commercially sensitive,
2 private and confidential information, as identified above.

3 I declare under penalty of perjury that the foregoing is true and correct. Executed
4 in San Francisco, California, on August 11, 2010.

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7 Jennifer Gloss
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