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

25 ORACLE USA, INC., *et al.*,  
 Plaintiffs,  
 26 v.  
 27 SAP AG, *et al.*,  
 Defendants.

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

**STIPULATION AND [PROPOSED] ORDER  
 REGARDING PARTIAL WITHDRAWAL OF  
 PENDING ADMINISTRATIVE MOTIONS  
 TO SEAL PLAINTIFFS' INFORMATION**

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

STIPULATION AND [PROPOSED] ORDER RE PARTIAL WITHDRAWAL OF MOTIONS TO SEAL

1 Plaintiffs Oracle USA, Inc., Oracle International Corporation, Oracle EMEA  
2 Limited, and Siebel Systems, Inc. (“Plaintiffs”) and Defendants SAP AG, SAP America, Inc.,  
3 and TomorrowNow, Inc. (“Defendants,” and together with Plaintiffs, the “Parties”) jointly  
4 submit this Stipulation to partially withdraw portions of four pending Administrative Motions to  
5 Seal Plaintiffs’ information supporting the Parties’ motion for summary judgment papers.

6 On March 3, 2010, Defendants filed their Motion for Partial Summary Judgment  
7 (D.I. 640) and filed an Administrative Motion to Seal supporting information (D.I. 643)  
8 (“Motion to Seal One”).

9 On March 3, 2010, Plaintiffs filed their Motion for Partial Summary Judgment  
10 (D.I. 649), an Administrative Motion to Seal supporting information (D.I. 658) and a supporting  
11 Declaration (D.I. 659) (“Motion to Seal Two”).

12 On March 31, 2010, Plaintiffs filed their Opposition to Defendants’ Motion for  
13 Partial Summary Judgment (D.I. 677), an Administrative Motion Seal supporting information  
14 (D.I. 680) and a supporting Declaration (D.I. 681) (“Motion to Seal Three”).

15 On April 14, 2010, Defendants filed their Reply in Support of Defendants’  
16 Motion for Partial Summary Judgment (D.I. 691) and filed an Administrative Motion to Seal  
17 supporting information (D.I. 695) (“Motion to Seal Four”).

18 In light of subsequent decisions by Plaintiffs to allow their related information to  
19 be filed publicly, and in deference to the presumption in favor of public access to court records,  
20 the Parties no longer request that certain information listed in the above Motions be filed under  
21 seal.

22 NOW, THEREFORE, IT IS HEREBY STIPULATED by the Parties, through  
23 their respective counsel of record, that the Parties hereby withdraw certain portions of the four  
24 pending Administrative Motions to Seal as specified below:

25 (1) For Motion to Seal One (D.I. 643), the Parties agree that the following  
26 portions of the Motion to Seal should be withdrawn:

- 27 • Portions of Exhibit A to the Declaration of Tharan Gregory Lanier at  
28 ¶¶ 20 (Table 1), 150-152, 287-288, 405 and 449-450;

- 1                   • Exhibit B to the Declaration of Tharan Gregory Lanier; and  
2                   • Portions of Defendants’ Motion for Partial Summary Judgment at  
3                   10:16 and 11:10.

4                   For Motion to Seal One (D.I. 643), the Parties continue to request that the  
5 following documents and portions of documents be filed under seal:

- 6                   • Portions of the Declaration of Tharan Gregory Lanier at ¶¶ 4, 8;  
7                   • Portions of Exhibit A to the Declaration of Tharan Gregory Lanier at  
8                   ¶¶ 284-285, 354 and 402-404;  
9                   • Exhibit D to the Declaration of Tharan Gregory Lanier;  
10                  • Exhibit E to the Declaration of Tharan Gregory Lanier;  
11                  • Portions of Exhibit F to the Declaration of Tharan Gregory Lanier at  
12                  289:25-290:11, 362:17-370:2;  
13                  • Exhibit H to the Declaration of Tharan Gregory Lanier;  
14                  • Portions of the Declaration of Elaine Wallace at ¶¶ 2-5;  
15                  • Exhibit 1 to the Declaration of Elaine Wallace; and  
16                  • Portions of the Defendants’ Motion for Partial Summary Judgment at  
17                  2:15-16, 4:8-13, 4:19, 4:21-28, 5:1-5 and 9:15-17.

18                  (2) For Motion to Seal Two (D.I. 658), the Parties agree that the following  
19 portions of the Motion to Seal should be withdrawn:

- 20                  • Exhibit 115 to the Declaration of Zachary J. Alinder.

21                  For Motion to Seal Two (D.I. 658), the Parties continue to request that the  
22 following documents and portions of documents be filed under seal:

- 23                  • Exhibit D to the Declaration of Thomas O’Neill;  
24                  • Portions of the Declaration of Norm Ackermann at ¶¶ 10, 21, 23-24;  
25                  • Appendices B-K to the Declaration of Norm Ackermann;  
26                  • Portions of the Declaration of Mark Fallon at ¶ 8;  
27                  • Portions of Exhibit 17 to the Declaration of Zachary J. Alinder at  
28                  36:21-37:12;

- 1 • Portions of Exhibit 18 to the Declaration of Zachary J. Alinder at
- 2 42:7-43:3, 44:6-47:22 and 64:24-67:22;
- 3 • Exhibit 116 to the Declaration of Zachary J. Alinder;
- 4 • Exhibit 117 to the Declaration of Zachary J. Alinder; and
- 5 • Portions of Oracle’s Motion for Partial Summary Judgment at 12:11-
- 6 19, 12:22-23 and 24:4-5.

7 (3) For Motion to Seal Three (D.I. 680), the Parties agree that the following

8 portions of the Motion to Seal should be withdrawn:

- 9 • Portions of Exhibit 3 to the Declaration of Holly A. House at ¶ 433
- 10 (Table 16).

11 For Motion to Seal Three (D.I. 680), the Parties continue to request that the

12 following portions of the identified document be filed under seal:

- 13 • Portions of Exhibit 3 to the Declaration of Holly A. House at ¶¶ 146-
- 14 148 and 232.

15 (4) For Motion to Seal Four (D.I. 695), the Parties agree that the entire Motion

16 to Seal should be withdrawn and the following may be filed publicly:

- 17 • Exhibit 5 to the Declaration of Tharan Gregory Lanier; and
- 18 • Reply in Support of Defendants’ Motion for Partial Summary
- 19 Judgment.

20 **IT IS SO STIPULATED.**

21

22 DATED: August 13, 2010

BINGHAM McCUTCHEN LLP

23

By:           /s/ Geoffrey M. Howard            
Geoffrey M. Howard  
Attorneys for Plaintiffs  
Oracle USA, Inc., Oracle International Corp.,  
Oracle EMEA Ltd., and Siebel Systems, Inc.

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27 In accordance with General Order No. 45, Rule X, the above signatory attests that

28 concurrence in the filing of this document has been obtained from the signatory below.

