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17 Attorneys for Defendants
 SAP AG, SAP AMERICA, INC., and
 18 TOMORROWNOW, INC.

19 UNITED STATES DISTRICT COURT
 20 NORTHERN DISTRICT OF CALIFORNIA
 21 OAKLAND DIVISION

22 ORACLE USA, INC., et al.,
 23 Plaintiffs,
 24 v.
 25 SAP AG, et al.,
 26 Defendants.

Case No. 07-CV-1658 PJH (EDL)
**DECLARATION OF MICHAEL
 JUNGE IN SUPPORT OF
 DEFENDANTS' RESPONSE TO
 PLAINTIFFS' ADMINISTRATIVE
 MOTION TO FILE DEFENDANTS'
 DOCUMENTS UNDER SEAL**

Date: N/A
 Time: N/A
 Courtroom: 3, 3rd Floor
 Judge: Hon. Phyllis J. Hamilton

JUNGE DECL. ISO DEFS' RESPONSE
 TO PLAINTIFFS' ADMIN. MOTION
 Case No. 07-CV-1658 PJH (EDL)

1 I, MICHAEL JUNGE, declare:

2 I am General Counsel and an Executive Vice President of SAP AG, one of the Defendants
3 in this case. I make this declaration based on personal knowledge and, if called upon to do so,
4 could testify competently thereto.

5 1. I am familiar with the information contained in Exhibit A to the Declaration of
6 Holly House in Support of Plaintiffs' Motion No. 1: To Exclude Testimony of Defendants'
7 Expert Stephen Clarke ("Exhibit A").

8 2. Portions of pages 51 and 247 of Exhibit A describe current business practices that
9 are non-public information—specifically, the manner in which SAP assesses (or does not assess)
10 potential revenue streams from existing customers. Public release of this information could
11 adversely affect SAP's future bargaining position with these customers. Because of the
12 competitively sensitive financial data contained in the document, the disclosure of it could likely
13 cause competitive and business injury.

14 3. Portions of page 126 describe confidential information of a third party disclosed
15 to Defendants pursuant to the terms of a non-disclosure agreement. Disclosure of this
16 information would place Defendants at risk of violating the terms of this non-disclosure
17 agreement.

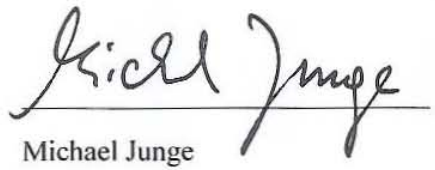
18 4. Portions of pages 244-246 of Exhibit A describe highly sensitive, non-public
19 financial information regarding SAP's revenues and fixed and variable costs, between 2005 and
20 2008, as they relate to the specific revenue accounts of Subscriptions, Training, and Other
21 Services. Public release of this information would disclose SAP's strategies regarding spending
22 on research and development, as well as on support, and could adversely affect SAP's ability to
23 compete with other software and support providers. Because of the competitively sensitive
24 financial data contained in the document, the disclosure of it could likely cause competitive and
25 business injury.

26 5. SAP has continued to protect and treat the information in the specific portions
27 of Exhibit A identified in paragraphs 2-4 above as highly confidential information.

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I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct. Executed this 24 day of August 2010 in Walldorf, Germany.


Michael Junge