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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' OPPOSITION TO
 DEFENDANTS' MOTION TO EXCLUDE
 EXPERT TESTIMONY OF PAUL K.
 MEYER**

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

STIPULATION TO PERMIT PLAINTIFFS TO FILE UNDER SEAL INFORMATION SUPPORTING PLAINTIFFS'
 OPPOSITION TO DEFENDANTS' MOTION TO EXCLUDE EXPERT TESTIMONY OF PAUL K. MEYER

1 Pursuant to Local Rules 7-11(a) and 79-5(c), Plaintiffs Oracle USA, Inc., Oracle
2 International Corporation and Siebel Systems, Inc. (“Plaintiffs”) and Defendants SAP AG, SAP
3 America, Inc., and TomorrowNow, Inc. (“Defendants,” and together with Plaintiffs, the
4 “Parties”) jointly submit this Stipulation to Permit Plaintiffs to File Under Seal Information
5 Supporting Plaintiffs’ Opposition to Defendants’ Motion to Exclude Expert Testimony of Paul
6 K. Meyer.

7 WHEREAS, Plaintiffs intend to file their Opposition to Defendants’ Motion to
8 Exclude Expert Testimony of Paul K. Meyer, along with Exhibits A and E to the Declaration of
9 Nitin Jindal in Support thereof (“Jindal Declaration”) on September 9, 2010;

10 WHEREAS, at Defendants’ request, Plaintiffs intend to file an Administrative
11 Motion to Permit Plaintiffs to File Under Seal Information Supporting Plaintiffs’ Opposition to
12 Defendants’ Motion to Exclude Expert Testimony of Paul K. Meyer;

13 WHEREAS the requested relief is necessary and narrowly tailored to protect the
14 alleged confidentiality of the materials put at issue by Plaintiffs’ Opposition to Defendants’
15 Motion to Exclude Expert Testimony of Paul K. Meyer until such time as the Court makes a final
16 ruling as to confidentiality of the relevant subject matter. Specifically, the following materials
17 constitute documents that contain information designated by one or more of the Parties as
18 “Confidential” or “Highly Confidential Information — Attorneys’ Eyes Only” pursuant to the
19 Stipulated Protective Order:

- 20 • Portions of Exhibit A to the Jindal Declaration at ¶¶ 125, 126, 139, 149, 227
21 and 445; and,
- 22 • Portions of Exhibit E to the Jindal Declaration.

23 NOW, THEREFORE, IT IS HEREBY STIPULATED by the Parties, through
24 their respective counsel of record, that Plaintiffs be permitted to move for permission to file
25 under seal portions of Exhibits A and E to the Jindal Declaration as described above. The
26 Parties further agree that Plaintiffs reserve their rights to challenge the confidentiality of the
27 information filed under seal pursuant to this Stipulation. While the Parties agree that portions of
28 Exhibits A and E to the Jindal Declaration may be publicly filed, the Parties also agree that the

1 filing shall not be construed as a waiver of any confidentiality designation or other protection
2 with respect to documents, transcripts, or other information referred to in, or that serve as the
3 basis for, the allegations or arguments made in them.

4 **IT IS SO STIPULATED.**

5 DATED: September 9, 2010

BINGHAM McCUTCHEN LLP

6
7 By: /s/ Zachary J. Alinder
8 Zachary J. Alinder
9 Attorneys for Plaintiffs
Oracle USA, Inc., *et al.*

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

12 DATED: September 9, 2010

JONES DAY

13
14 By: /s/ Tharan Gregory Lanier
15 Tharan Gregory Lanier
16 Attorneys for Defendants
SAP AG, SAP AMERICA, INC., and
TOMORROWNOW, INC.