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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

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 paragraphs 125, 126, 139, 149,  
6 227, and 445 of Exhibit A to the Declaration of Nitin Jindal in Support of Plaintiffs' Opposition  
7 to Defendants' Motion to Exclude Expert Testimony of Paul K. Meyer ("Exhibit A") and the  
8 redacted portions of Exhibit E to the Declaration of Nitin Jindal in Support of Plaintiffs'  
9 Opposition to Defendants' Motion to Exclude Expert Testimony of Paul K. Meyer ("Exhibit E").

10 2. Portions of paragraphs 139, 227, and 445 of Exhibit A and the redacted portions of  
11 Exhibit E reveal non-public information regarding SAP's revenue streams from existing  
12 customers. Public release of this information could adversely affect SAP's future bargaining  
13 position with these customers, as well as violate SAP's non-disclosure agreements with these  
14 customers, which provide that the amounts of these customers' payments to SAP constitute  
15 confidential information not to be publicly disclosed. Because of the competitively sensitive  
16 financial data contained in the document, the disclosure of it could likely cause competitive and  
17 business injury.

18 3. Portions of paragraphs 125 and 126 of Exhibit A include confidential information  
19 from an internal, non-public October 5, 2008 analysis by Deloitte Financial Advisory Services  
20 LLP of the fair value of certain assets and liabilities of Business Objects S.A., which SAP  
21 acquired on January 21, 2008. Disclosure of the information contained within that analysis would  
22 grant SAP's competitors, partners, customers, future acquisition targets, and other interested  
23 parties insight into SAP's internal assessments, strategy, and operations, providing them with an  
24 unfair competitive advantage over SAP with respect to current and future operations and  
25 negotiations.

26 4. Portions of paragraph 149 describe highly sensitive, non-public financial  
27 information regarding SAP's revenues and fixed and variable costs, between 2005 and 2008, as  
28 they relate to an account described as "collect the costs provided for maintenance (code

1 corrections) of existing software after Release to customer.” Public release of this information  
2 would disclose SAP’s strategies regarding spending on research and development, as well as on  
3 support, and could adversely affect SAP’s ability to compete with other software and support  
4 providers.

5 5. SAP has continued to protect and treat the information in the specific portions of  
6 Exhibits A and E identified in paragraphs 2-4 above as highly confidential information within  
7 SAP.

8 I declare under penalty of perjury under the laws of the United States and the State of  
9 California that the foregoing is true and correct. Executed this 15 day of September 2010 in  
10 Walldorf, Germany.

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14 Michael Junge

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