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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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 TOMORROWNOW, INC.

Case No. 07-CV-1658 PJH (EDL)

**STIPULATION AND [PROPOSED]  
 ORDER REGARDING THE  
 UNSEALING OF TRIAL  
 TRANSCRIPTS FOR USE BY THE  
 PARTIES**

1 Pursuant to Local Rule 7-12, Plaintiffs Oracle USA, Inc., Oracle International Corporation  
2 and Siebel Systems, Inc. and Defendants SAP AG, SAP America, Inc. and TomorrowNow, Inc.  
3 (together with Oracle, the “Parties”) jointly submit this Stipulation and [Proposed] Order  
4 regarding the unsealing of trial transcripts for use by the Parties.

5 WHEREAS certain portions of the trial transcript have been sealed by the Court;

6 WHEREAS the Parties may need to refer to these sealed portions of the transcript in order  
7 to submit briefs to the Court either during or after trial; and,

8 WHEREAS the Parties request that these sealed portions of the transcript remain sealed as  
9 to all members of the public until the entry of final judgment in this case.

10 **NOW, THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE,**  
11 through their respective counsel of record, as follows:

12 1. That the sealed portions of the trial transcripts may be unsealed as to the Parties,  
13 and delivered to them by the Court Reporter; and,

14 2. That the sealed portions of the trial transcripts remain sealed as to all members of  
15 the public until the entry of final judgment in this case.

16 **IT IS SO STIPULATED.**

17 DATED: November 10, 2010

BINGHAM McCUTCHEN LLP

18 By:           /s/ Geoffrey M. Howard          

19 Geoffrey M. Howard  
20 Attorneys for Plaintiffs  
Oracle USA, Inc., Oracle International  
21 Corporation and Siebel Systems, Inc.

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

24 DATED: November 10, 2010

JONES DAY

25 By:           /s/ Tharan Gregory Lanier          

26 Tharan Gregory Lanier  
27 Attorneys for Defendants  
SAP AG, SAP America, Inc., and  
28 TomorrowNow, Inc.

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**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: \_\_\_\_\_, 2010

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Phyllis J. Hamilton  
United States District Judge