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 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)

**DEFENDANTS' ADMINISTRATIVE
 MOTION TO PERMIT
 DEFENDANTS TO FILE UNDER
 SEAL PLAINTIFFS' DOCUMENTS
 IN SUPPORT OF DEFENDANTS'
 OFFER OF PROOF REGARDING
 THE AT-RISK REPORT AND
 IMPACT ON DAMAGES ANALYSIS**

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 “Parties”)
4 request that the Court order the Clerk of the Court to file under seal: (1) portions of Defendants’
5 Offer of Proof Regarding the At-Risk Report and Impact on Damages Analysis, and (2)
6 Defendants’ Exhibits A (Trial Exhibit A-0059), B (Trial Exhibit A-9338), and L (portions of the
7 Clarke Report), to Defendants’ Offer of Proof Regarding the At-Risk Report and Impact on
8 Damages Analysis, which Defendants will lodge with the Court on November 19, 2010.

9 The requested relief sought is necessary and narrowly tailored to protect the
10 confidentiality of the content of Plaintiffs’ documents put at issue by Defendants’ Offer of Proof
11 Regarding the At-Risk Report and Impact on Damages Analysis. This request is supported by the
12 accompanying Stipulation and Declaration of Jason McDonell in support of Defendants’ Offer of
13 Proof Regarding the At-Risk Report and Impact on Damages Analysis.

14 Pursuant to Local Rule 79-5, a proposed order and stipulation accompanies this request to
15 file under seal (1) portions of Defendants’ Offer of Proof Regarding the At-Risk Report and
16 Impact on Damages Analysis, and (2) Defendants’ Exhibits A (Trial Exhibit A-0059), B (Trial
17 Exhibit A-9338), and L (the Clarke Report, at 209-235), to Defendants’ Offer of Proof Regarding
18 the At-Risk Report and Impact on Damages Analysis, which Defendants will lodge with the
19 Court on November 19, 2010.

20 DATED: November 19, 2010

JONES DAY

21
22 By: /s/ Jason McDonell
23 Jason McDonell

24 Attorneys for Defendants
25 SAP AG, SAP AMERICA, INC., and
26 TOMORROWNOW, INC.