

MORRISON & FOERSTER LLP
MICHAEL A. JACOBS (Bar No. 111664)
mjacobs@mofo.com
MARC DAVID PETERS (Bar No. 211725)
mdpeters@mofo.com
DANIEL P. MUINO (Bar No. 209624)
dmuino@mofo.com
755 Page Mill Road, Palo Alto, CA 94304-1018
Telephone: (650) 813-5600 / Facsimile: (650) 494-0792

BOIES, SCHILLER & FLEXNER LLP
DAVID BOIES (Admitted *Pro Hac Vice*)
dboies@bsfllp.com
333 Main Street, Armonk, NY 10504
Telephone: (914) 749-8200 / Facsimile: (914) 749-8300
STEVEN C. HOLTZMAN (Bar No. 144177)
sholtzman@bsfllp.com
1999 Harrison St., Suite 900, Oakland, CA 94612
Telephone: (510) 874-1000 / Facsimile: (510) 874-1460
ALANNA RUTHERFORD (Admitted *Pro Hac Vice*)
575 Lexington Avenue, 7th Floor, New York, NY 10022
Telephone: (212) 446-2300 / Facsimile: (212) 446-2350 (fax)

ORACLE CORPORATION
DORIAN DALEY (Bar No. 129049)
dorian.daley@oracle.com
DEBORAH K. MILLER (Bar No. 95527)
deborah.miller@oracle.com
MATTHEW M. SARBORARIA (Bar No. 211600)
matthew.sarboraria@oracle.com
500 Oracle Parkway, Redwood City, CA 94065
Telephone: (650) 506-5200 / Facsimile: (650) 506-7114

Attorneys for Plaintiff
ORACLE AMERICA, INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

ORACLE AMERICA, INC.

Plaintiff,

v.

GOOGLE, INC.

Defendant.

Case No. CV 10-03561 WHA

**ORACLE AMERICA, INC.'S
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL EXHIBITS TO MEREDITH
DEARBORN'S DECLARATION IN
SUPPORT OF ORACLE AMERICA,
INC.'S MOTION TO EXCLUDE
PORTIONS OF THE RULE 706 EXPERT
REPORT OF DR. JAMES KEARL**

Dept.: Courtroom 4, 3rd Floor
Judge: Honorable William H. Alsup

1 Pursuant to Local Rule 79-5(d), Plaintiff Oracle America, Inc. ("Oracle") hereby moves to file
2 Exhibits A and B to the Declaration of Meredith Dearborn In Support of Oracle's Motion to Exclude
3 Portions of the Rule 706 Expert Report of Dr. James Kearl ("Dearborn Declaration"), and portions of
4 the Motion to Exclude Portions of the Rule 706 Expert Report of Dr. James Kearl that refer to those
5 exhibits, under seal.

6 The Order Approving Stipulated Protective Order Subject to Stated Conditions entered in this
7 case (Dkt. No. 68) states that when material has been designated as Confidential or Highly Confidential
8 – Attorneys' Eyes Only, a party may not file it in the public record, but must seek to file it under seal
9 pursuant to Local Rule 79-5. (December 17, 2010 Stipulated Protective Order (Docket No. 66) § 14.4.)
10 Google, Inc. ("Google") has designated Exhibits A and B Confidential or Highly Confidential –
11 Attorneys' Eyes Only by Google, Inc. ("Google"), thus Oracle moves to seal them pursuant to the
12 protective order.

13 Oracle requested that Google agree to file these materials in the public record, but Google's
14 counsel refused. (Dearborn Decl. ¶ 5.)

15 Oracle states no position as to whether disclosure of these materials would cause harm to
16 Google.

17
18 Dated: May 1, 2012

BOIES, SCHILLER & FLEXNER LLP

19 By: /s/ Steven C. Holtzman
20 Steven C. Holtzman

21 *Attorneys for Plaintiff*
ORACLE AMERICA, INC.