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 ORACLE AMERICA, INC.

19 **UNITED STATES DISTRICT COURT**
 20 **NORTHERN DISTRICT OF CALIFORNIA**
 21 **SAN FRANCISCO DIVISION**

22 ORACLE AMERICA, INC.

23 Plaintiff,

24 v.

25 GOOGLE, INC.

26 Defendant.

Case No. CV 10-03561 WHA

**ORACLE AMERICA, INC.'S
 ADMINISTRATIVE MOTION TO FILE
 UNDER SEAL PORTIONS OF
 OPPOSITION TO GOOGLE'S *DAUBERT*
 MOTION AND EXHIBITS**

Dept.: Courtroom 9, 19th Floor
 Judge: Honorable William H. Alsup

1 Plaintiff Oracle America, Inc. (“Oracle”) hereby moves to file portions of its Opposition to
2 Google’s *Daubert* Motion (“Opposition”), and Exhibits C, D, K, and M to the supporting Declaration of
3 Fred Norton (“Norton Declaration”) under seal pursuant to Civil L. R. 79-5(c) and (d).

4 Oracle’s Opposition contains information that has been designated by either Google, Inc.
5 (“Google”) or Oracle as Confidential or Highly Confidential – Attorneys’ Eyes Only pursuant to the
6 Order Approving Stipulated Protective Order Subject to Stated Conditions entered in this case. (Dkt.
7 No. 68.)

8 Oracle confidential information has been redacted from pages 12–13 and pages 20–21 of the
9 Opposition. (Declaration of Matthew Sarboraria In Support Of Oracle America, Inc.’s Administrative
10 Motion To File Under Seal Portions Of Opposition To Google’s *Daubert* Motion (hereinafter,
11 “Sarboraria Decl.”) at ¶ 5.) Most of these redactions – on page 12:24 through 13:2, page 20:18 through
12 20:23, and footnote 9 – stem from Google’s choice to include Oracle’s competitively sensitive
13 information in its *Daubert* motion and exhibits. This Court previously held that the redacted
14 information should remain under seal. (*See* Order Partially Granting Motion To File Documents Under
15 Seal (hereinafter “Order”) at 1 (Dkt. No. 168) (holding that Exhibit H, J, and W to the Weingaertner
16 declaration should be filed under seal).) The remaining redacted sentence – on page 20:23 through 21:3
17 – covers third-party valuation information from Credit Suisse that Oracle obtained prior to its merger
18 with Sun. Like the Duff & Phelps document that this Court previously held should be placed under
19 seal, (*id.*), disclosure of this third-party valuation document could cause competitive harm to Oracle.
20 (*See* Sarboraria Decl. ¶ 6 (describing harm to Oracle).) Accordingly, Oracle moves to seal those
21 portions of the Opposition under Civil L. R. 79-5(c).

22 The remaining redactions protect Google confidential information. Civil L. R. 79-5(d). Exhibits
23 C, D, K, and L to the Norton Declaration are documents that Google has designated Confidential or
24 Highly Confidential – Attorneys’ Eyes Only. The remaining redactions in the Opposition are tailored to
25 maintain the confidentiality of that material, as well as other material that Google has so designated.
26 Oracle states no position as to whether disclosure of materials marked by Google as Confidential or
27 Highly Confidential – Attorneys’ Eyes Only material would cause harm to Google, and would not
28 oppose an order requiring Google to make that information public.

1 A proposed order sealing Oracle confidential information is attached.

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3 Dated: June 28, 2011

BOIES, SCHILLER & FLEXNER LLP

4 By: /s/ Alanna Rutherford
5 Alanna Rutherford

6 *Attorneys for Plaintiff*
ORACLE AMERICA, INC.

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