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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 SAN FRANCISCO DIVISION

23 **ORACLE CORPORATION, et al.,**

24 **Plaintiffs,**

25 **v.**

26 **SAP AG, et al.,**

27 **Defendants.**

**CASE NO. 07-CV-1658 PJH (EDL)**

**DEFENDANTS' ADMINISTRATIVE  
MOTION TO FILE THE  
DECLARATION OF SCOTT W. COWAN  
IN SUPPORT OF DEFENDANTS'  
DOCUMENT REVIEW AND  
PRODUCTION COSTS UNDER SEAL;  
DECLARATION OF JOSHUA L. FUCHS  
IN SUPPORT**

1 Pursuant to Local Rules 7-11(a) and 79-5(c), Defendants SAP AG, SAP America, Inc.,  
2 and TomorrowNow, Inc., (“Defendants”) request that the Court order the Clerk of the Court to  
3 file under seal the Declaration of Scott W. Cowan in Support of Defendants’ Estimated  
4 Document Review and Production Costs (“Declaration”) that Defendants lodged with the Court  
5 on July 8, 2008. The requested relief is necessary and narrowly tailored to protect the  
6 confidentiality of the pricing structure offered by two companies retained by Defendants to  
7 assist in their discovery obligations. This request is supported by the declaration of Joshua L.  
8 Fuchs below.

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10 Pursuant to Local Rule 79-5, a proposed order accompanies this request to file the  
11 Declaration under seal.

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13 Dated: July 8, 2008

Respectfully submitted,

Jones Day

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16 By: /s/ Jason McDonell  
Jason McDonell

17 for Defendants  
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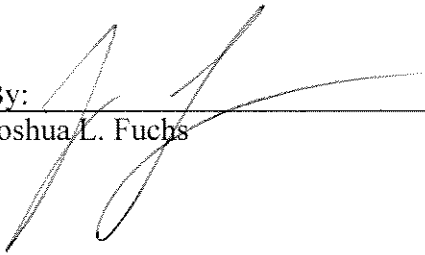
1                   **DECLARATION OF JOSHUA L. FUCHS IN SUPPORT OF DEFENDANTS’**  
2                   **ADMINISTRATIVE MOTION TO FILE THE DECLARATION OF SCOTT W. COWAN**  
3                   **IN SUPPORT OF DEFENDANTS’ DOCUMENT REVIEW AND PRODUCTION COSTS**  
4                   **UNDER SEAL**

5 Based on my personal knowledge, information and belief, I, Joshua L. Fuchs, declare:

- 6 1. My name is Joshua L. Fuchs. I am an attorney and associate with the law firm of Jones  
7 Day, which represents Defendants in this case. I have been practicing law for 7 years  
8 and am admitted to practice before the United States District Court for the Southern and  
9 Eastern Districts of Texas. I have been admitted *pro hac vice* in this case and am  
10 routinely admitted to practice *pro hac vice* in other jurisdictions outside of my home  
11 state, Texas. I have personal knowledge of the facts set forth herein and, if called as a  
12 witness, I could and would competently testify thereto.
- 13 2. I make this declaration in support of Defendants’ Administrative Motion to File the  
14 portions of the Declaration of Scott W. Cowan Under Seal.
- 15 3. The requested relief is necessary and narrowly tailored to protect the confidentiality of  
16 certain trade secret information. Specifically, both Forensic Consulting Solutions, Inc.  
17 (“FCS”) and Providus believe that the specific pricing information contained in the  
18 Declaration of Scott W. Cowan is not generally available or known to the public,  
19 competitors or to other persons who can obtain economic value from the pricing  
20 information disclosure and should be redacted. After a review of the Declaration of  
21 Scott W. Cowan, both FCS and Providus expressed the belief that competitors and  
22 consumers will gain a competitive advantage if the specific pricing information that  
23 they request be redacted is revealed to the public. Based on FCS’s and Providus’  
24 concerns, the Declaration of Scott W. Cowan has been narrowly redacted to only  
25 remove that specific pricing information that FCS and Providus claim as trade secrets.

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I declare under penalty of perjury under the law of the United States that the foregoing is true and correct. Executed July 8, 2008.

By:   
Joshua L. Fuchs