

1 Robert A. Mittelstaedt (SBN 060359)
Jason McDonell (SBN 115084)
2 Elaine Wallace (SBN 197882)
JONES DAY
3 555 California Street, 26th Floor
San Francisco, CA 94104
4 Telephone: (415) 626-3939
Facsimile: (415) 875-5700
5 ramittelstaedt@jonesday.com
jmcdonell@jonesday.com
6 ewallace@jonesday.com

BINGHAM McCUTCHEN LLP
DONN P. PICKETT (SBN 72257)
GEOFFREY M. HOWARD (SBN 157468)
BREE HANN (SBN 215695)
Three Embarcadero Center
San Francisco, CA 94111-4067
Telephone: (415) 393-2000
Facsimile: (415) 393-2286
donn.pickett@bingham.com
geoff.howard@bingham.com
bree.hann@bingham.com

7 Tharan Gregory Lanier (SBN 138784)
Jane L. Froyd (SBN 220776)
8 JONES DAY
1755 Embarcadero Road
9 Palo Alto, CA 94303
Telephone: (650) 739-3939
10 Facsimile: (650) 739-3900
tglanier@jonesday.com
11 jfroyd@jonesday.com

BOIES, SCHILLER & FLEXNER LLP
DAVID BOIES (Admitted *Pro Hac Vice*)
333 Main Street
Armonk, NY 10504
Telephone: (914) 749-8200
dboies@bsflp.com
STEVEN C. HOLTZMAN (SBN 144177)
1999 Harrison St., Suite 900
Oakland, CA 94612
Telephone: (510) 874-1000
sholtzman@bsflp.com

12 Scott W. Cowan (Admitted *Pro Hac Vice*)
Joshua L. Fuchs (Admitted *Pro Hac Vice*)
13 JONES DAY
717 Texas, Suite 3300
14 Houston, TX 77002
Telephone: (832) 239-3939
15 Facsimile: (832) 239-3600
swcowan@jonesday.com
16 jlfuchs@jonesday.com

DORIAN DALEY (SBN 129049)
JENNIFER GLOSS (SBN 154227)
500 Oracle Parkway, M/S 5op7
Redwood City, CA 94070
Telephone: (650) 506-4846
Facsimile: (650) 506-7114
dorian.daley@oracle.com
jennifer.gloss@oracle.com

17 Attorneys for Defendants
SAP AG, SAP AMERICA, INC., and
18 TOMORROWNOW, INC.

Attorneys for Plaintiff
ORACLE INTERNATIONAL
CORPORATION

19 UNITED STATES DISTRICT COURT
20 NORTHERN DISTRICT OF CALIFORNIA
21 OAKLAND DIVISION

23 ORACLE USA, INC., et al.,
24 Plaintiffs,
25 v.
26 SAP AG, et al.,
27 Defendants.
28

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

**STIPULATION TO PERMIT
DEFENDANTS TO FILE UNDER
SEAL ORACLE'S INFORMATION
IN SUPPORT OF DEFENDANTS'
TRIAL BRIEF**

1 Pursuant to Local Rules 7-11(a) and 79-5(c), Plaintiff Oracle International Corporation
2 (“Oracle”) and Defendants SAP AG, SAP America, Inc., and TomorrowNow, Inc. (“Defendants,”
3 and together with Oracle, the “Parties”) jointly submit this Stipulation to Permit Defendants to
4 File under Seal Oracle’s Information in Support of Defendants’ Trial Brief.

5 WHEREAS, Defendants filed on April 26, 2012, at Oracle’s request, (1) the
6 Administrative Motion to Permit Defendants to File under Seal Oracle’s Information in Support
7 of Defendants’ Trial Brief; (2) the Declaration of Tharan Gregory Lanier in Support of
8 Defendants’ Administrative Motion to Permit Defendants to File under Seal Oracle’s Information
9 in Support of Defendants’ Trial Brief; and (3) the [Proposed] Order Granting Defendants’
10 Administrative Motion to Permit Defendants to File under Seal Oracle’s Information in Support
11 of Defendants’ Trial Brief;

12 WHEREAS the requested relief is necessary and narrowly tailored to protect the
13 confidentiality of the material put at issue by Defendants’ Trial Brief until such time as the Court
14 makes a final ruling as to confidentiality of the relevant subject matter. Specifically, portions of
15 Defendants’ Trial Brief contain information designated by Oracle as “Highly Confidential -
16 Attorneys’ Eyes Only” pursuant to the Stipulated Protective Order in this case.

17 NOW, THEREFORE, IT IS HEREBY STIPULATED by the Parties, through their
18 respective counsel of record, that Defendants be permitted to move for permission to file under
19 seal portions of Defendants’ Trial Brief. While the Parties agree that Defendants’ concurrently
20 filed Trial Brief may be publicly filed, the Parties also agree that the filing shall not be construed
21 as a waiver of any confidentiality designation or other protection with respect to documents,
22 transcripts, or other information referred to in, or that serve as the basis for, the allegations or
23 arguments made in them.

24 **IT IS SO STIPULATED.**

1 DATED: April 26, 2012

JONES DAY

2

By: /s/ Tharan Gregory Lanier

3

Tharan Gregory Lanier

4

Attorneys for Defendants
SAP AG, SAP AMERICA, INC., and
TOMORROWNOW, INC.

5

6

In accordance with General Order No. 45, Rule X, the above signatory attests that

7

concurrence in the filing of this document has been obtained from the signatory below.

8

DATED: April 26, 2012

BINGHAM McCUTCHEN LLP

9

By: /s/ Geoffrey M. Howard

10

Geoffrey M. Howard

11

Attorneys for Plaintiff
ORACLE INTERNATIONAL
CORPORATION

12

13

SVI-107542v1

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28