

1 Robert A. Mittelstaedt (SBN 060359)  
Jason McDonell (SBN 115084)  
2 Elaine Wallace (SBN 197882)  
JONES DAY  
3 555 California Street, 26<sup>th</sup> 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

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

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

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

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

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

**[PROPOSED] ORDER GRANTING  
PLAINTIFFS' ADMINISTRATIVE  
MOTION TO FILE UNDER SEAL  
EXHIBITS F, H, AND J THROUGH T  
TO DECLARATION OF CHAD  
RUSSELL ISO OF PLAINTIFFS'  
OPPOSITION TO DEFENDANTS'  
MOTION TO DISMISS**

1 Pending before this Court is Plaintiffs' Administrative Motion to File Exhibits F, H, and J  
2 through T to the Declaration of Chad Russell in Support of Plaintiffs' Opposition to Defendants'  
3 FRCP 12(b)(1) and 12(b)(6) Motion to Dismiss Under Seal (the "Plaintiffs' Current Motion to  
4 Seal"). On October 29, 2008, Plaintiffs filed an Administrative Motion to File Opposition to  
5 Motion to Dismiss, and Declarations and Exhibits in Support Thereof, Under Seal (the "Plaintiffs'  
6 Original Motion to Seal"). Through the Plaintiffs' Motion to Seal, the Parties sought an Order  
7 permitting Plaintiffs to file under seal (1) portions of Oracle's Opposition to Defendants' FRCP  
8 12(b)(1) and 12(b)(6) Motion to Dismiss ("Plaintiffs' Opposition"), (2) portions of the  
9 Declaration of Kevin Mandia in support of Oracle's Opposition to Defendants' FRCP 12(b)(1)  
10 and 12(b)(6) Motion to Dismiss ("Mandia Declaration"), and (3) Exhibits D through T to the  
11 Declaration of Chad Russell in support of Oracle's Opposition to Defendants' FRCP 12(b)(1) and  
12 12(b)(6) Motion to Dismiss ("Russell Declaration"). Unredacted versions of these documents  
13 were lodged with the Court on October 29, 2008. On November 5, 2008, the Parties filed a  
14 stipulation withdrawing Plaintiffs' Original Motion to Seal as to Plaintiffs' Opposition, the  
15 Mandia Declaration itself, and Exhibits D, E, G, and I to the Russell Declaration, but not as to  
16 Exhibits F, H, and J through T to the Russell Declaration. As a result, the Court now considers  
17 only Plaintiffs' Current Motion to Seal Exhibits F, H, and J through T to the Russell Declaration.

18 Having considered Plaintiffs' Current Motion to Seal and the documents and exhibits filed  
19 in support, including the Stipulation to Permit Plaintiffs to File Opposition to Motion to Dismiss,  
20 and Declarations and Exhibits in Support Thereof, Under Seal, the Declaration of Zachary J.  
21 Alinder in Support of Plaintiffs' Original Motion to Seal, and the Declaration of Tharan Gregory  
22 Lanier in Support of Plaintiffs' Current Motion to Seal, and good cause having been shown:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

IT IS HEREBY ORDERED THAT: Plaintiffs' Motion to Seal Exhibits F, H, and J through T to the Russell Declaration is GRANTED. The Clerk of the Court shall file under seal the unredacted versions of the following documents that have been lodged with the Court: Exhibits F, H, and J through T to the Russell Declaration.

DATED: \_\_\_\_\_

By: \_\_\_\_\_  
Hon. Phyllis J. Hamilton

SVI-63142