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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

22 ORACLE CORPORATION, et al.,
23 Plaintiffs,
24 v.
25 SAP AG, et al.,
26 Defendants.

Case No. 07-CV-1658 PJH

**DECLARATION OF
THOMAS ZIEMEN
IN SUPPORT OF DEFENDANTS'
RESPONSE TO PLAINTIFFS'
ADMINISTRATIVE MOTION**

1 I, THOMAS ZIEMEN, declare:

2 I am a Vice President, Service Solution Management -- Global Services and Support of
3 SAP AG, one of the Defendants in this case. I make this declaration based on personal
4 knowledge and, if called upon to do so, could testify competently thereto.

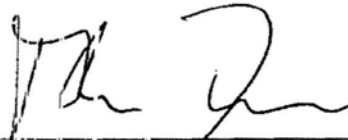
5 1. In 2007, I drafted the document produced by SAP in this case and Bates-labeled
6 SAP-OR0001189 through SAP-OR0001195 and that has been attached as Exhibit "D" to
7 Plaintiffs' Motion to Compel. It was designed as a presentation to SAP's management providing
8 a status update on Safe Passage, a marketing campaign designed to attract Oracle customers to
9 SAP. It provides information on deals SAP booked through Safe Passage as well as forecasted
10 performance that campaign. This presentation was intended by me to be a highly confidential,
11 non-public internal SAP document relating to certain of SAP's future business plans and
12 competitive strategies. In particular, the document contains analytical and historical financial
13 information regarding SAP's relationships with certain customers that if released publicly, could
14 adversely affect SAP's future bargaining positions with those customers. Because of the
15 competitively sensitive financial data contained in the document, the disclosure of this
16 presentation to Oracle without the "Highly Confidential" protections provided by the Agreed
17 Protective Order in this case could likely cause competitive and business injury to SAP.

18 2. In 2007, I drafted the document that has been produced by SAP in this case and
19 Bates labeled SAP-OR00252116 through SAP-OR00252137 OR0001195 and that has been
20 attached as Exhibit "E" to Plaintiffs' Motion to Compel. It was designed as a presentation to
21 SAP's management providing the business case for Tomorrow Now's and SAP's future business
22 plans relating to Oracle's Hyperion products and seeking management's business advice and
23 direction on those plans. This presentation was intended by me to be a highly confidential, non-
24 public internal SAP document relating to certain of Tomorrow Now's and SAP's future business
25 plans and competitive strategies. In particular, the document contains analytical information
26 regarding SAP's potential relationships with certain customers that if released publicly, could
27 adversely affect SAP's future bargaining positions with those customers. Because of the
28 competitively sensitive analytical data contained in the document, the disclosure of this

1 presentation to Oracle without the "Highly Confidential" protections provided by the Agreed
2 Protective Order in this case could likely cause competitive and business injury to SAP.

3 3. In 2007, I drafted the document that has been produced by SAP in this case and
4 Bates labeled SAP-OR00252138 through SAP-OR00252146 OR0001195 and that has been
5 attached as Exhibit "F" to Plaintiffs' Motion to Compel. Like the Hyperion-related document
6 discussed above in ¶ 2, it was designed as a presentation to SAP's management providing the
7 business case for Tomorrow Now's and SAP's future business plans relating to Oracle's
8 eBusiness Suite products and seeking management's business advice and direction on those plans.
9 This presentation was intended by me to be a highly confidential, non-public internal SAP
10 document relating to certain of TomorrowNow's and SAP's future business plans and
11 competitive strategies. In particular, the document contains analytical information regarding
12 SAP's potential relationships with certain customers that if released publicly, could adversely
13 affect SAP's future bargaining positions with those customers. Because of the competitively
14 sensitive analytical data contained in the document, the disclosure of this presentation to Oracle
15 without the "Highly Confidential" protections provided by the Agreed Protective Order in this
16 case could likely cause competitive and business injury to SAP.

17 I declare under penalty of perjury under the laws of the United States and the State of
18 California that the foregoing is true and correct. Executed this 22nd day of January, 2009 in
19 Walldorf, Germany.

20
21 

22 _____
23 THOMAS ZIEMER