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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)

**DEFENDANTS' ADMINISTRATIVE
MOTION TO PERMIT
DEFENDANTS TO FILE UNDER
SEAL DOCUMENTS SUPPORTING
DEFENDANTS' MOTION FOR
SANCTIONS AND MOTION TO
COMPEL**

I. INTRODUCTION

Defendants SAP AG, SAP America, Inc., and TomorrowNow, Inc. (collectively, Defendants) respectfully request that the Court order the Clerk of the Court to file the following documents under seal:

1. Portions of Defendants’ Motion for Sanctions Pursuant to Fed. R. Civ. P. 37(c) and 16(f);
2. Exhibits D, J, K, L, P and Q to the Declaration of Elaine Wallace in Support of Defendants’ Motion for Sanctions Pursuant to Fed. R. Civ. P. 37(c) and 16(f) with;
3. Portions of the Declaration of Stephen K. Clarke in Support of Defendants’ Motion for Sanctions Pursuant to Fed. R. Civ. P. 37(c) and 16(f);
4. Portions of Defendants’ Motion to Compel Production of Financial Information of Plaintiffs; and
5. Exhibits 6, 7, 8, 9, 10, 11, 18 and 19 to the Declaration of Jason McDonell in Support of Defendants’ Motion to Compel Production of Financial Information of Plaintiffs.

Unredacted versions of these documents were lodged with the Court on July 14, 2009. This request is made pursuant to Civil Local Rules 7-11 and 79-5 and the Protective Order signed by Judge Martin Jenkins on June 6, 2007. This request is supported by the Parties’ Stipulation Regarding Defendants’ Administrative Motion to Seal, filed concurrently with this Motion.

II. ARGUMENT

Defendants request that the above listed documents, discussed in the attached Declaration of Elaine Wallace (“Wallace Declaration”) be filed under seal. Good cause exists for filing them under seal because they contain content that was designated by Plaintiffs as either “Highly Confidential Information - Attorneys’ Eyes Only,” or “Confidential Information,” pursuant to the Stipulated Protective Order. Defendants’ request is narrowly tailored, as required by Local Rule 79-5(a), and seeks to protect only those documents that contain information so designated.

This request is supported by the accompanying Declaration of Elaine Wallace in Support of Defendants’ Administrative Motion to File Under Seal and the parties’ Stipulation.

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III. CONCLUSION

For the foregoing reasons, Defendants respectfully request that the Court order the filing of the documents listed in detail in the attached declaration under seal. Pursuant to Local Rule 79-5, a Proposed Order is submitted with this Motion.

DATED: July 14, 2009

JONES DAY

By: /s/ Jason McDonell
Jason McDonell

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

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