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

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

**DECLARATION OF ELAINE
WALLACE IN SUPPORT OF
DEFENDANTS' ADMINISTRATIVE
MOTION TO PERMIT
DEFENDANTS TO FILE UNDER
SEAL DOCUMENTS SUPPORTING
DEFENDANTS' MOTION FOR
SANCTIONS AND MOTION TO
COMPEL**

1 I, ELAINE WALLACE, declare:

2 I am an associate with the law firm of Jones Day and counsel for Defendants in the above-
3 captioned matter. I make this declaration based on personal knowledge and, if called upon to do
4 so, could testify competently thereto.

5 1. I make this declaration in support of Defendant’s Administrative Motion to Permit
6 Defendants to File Under Seal the following documents:

7 (a) Portions of Defendants’ Motion for Sanctions Pursuant to Fed. R. Civ. P. 37(c) and
8 19(f) (“Motion for Sanctions”);

9 (b) Exhibits D, J, K, L, P and Q to the Declaration of Elaine Wallace in Support of
10 Defendants’ Motion for Sanctions Pursuant to Fed. R. Civ. P. 37(c) and 16(f);

11 (c) Portions of the Declaration of Stephen K. Clarke in Support of Defendants’ Motion
12 for Sanctions Pursuant to Fed. R. Civ. P. 37(c) and 16(f) (“Clarke Declaration”);

13 (d) Portions of Defendants’ Motion to Compel Production of Financial Information of
14 Plaintiffs (“Motion to Compel”); and

15 (e) Exhibits 6, 7, 8, 9, 10, 11, 18 and 19 to the Declaration of Jason McDonell in Support
16 of Defendants’ Motion to Compel Production of Financial Information of Plaintiffs
17 with.

18 Sealing of the documents identified above is requested because each of these documents
19 contains information designated by Plaintiffs as Confidential or Highly Confidential – Attorneys
20 Eyes’ Only under the protective order entered into in this case. Defendants have narrowly
21 tailored this request by redacting only a limited number of lines or paragraphs of documents and
22 only the precise text that describes or discloses designated information.

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I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct.

Executed this 14th day of July, 2009 in San Francisco, California.

DATED: July 14, 2009

JONES DAY

By: /s/ Elaine Wallace
Elaine Wallace

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

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