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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.

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

**STIPULATED ADMINISTRATIVE  
MOTION TO REMOVE  
INCORRECTLY FILED DOCUMENT**

1 Pursuant to Local Rule 7-11, Defendants SAP AG, SAP America, Inc., and  
2 TomorrowNow, Inc. (“Defendants”) and Plaintiffs Oracle USA, Inc. Oracle International  
3 Corporation, and Oracle EMEA Limited (“Plaintiffs,” and together with Defendants, the  
4 “Parties”) respectfully request that the Court order the Clerk of the Court to remove the following  
5 document from the docket in the above-referenced matter: Docket No. 342, Defendants' Motion  
6 for Sanctions Pursuant to Fed. R. Civ. P. 37(c) and 16(f) (the “Document”).

7 The Document contains information designated by Plaintiffs as Confidential or Highly  
8 Confidential - Attorneys’ Eyes Only pursuant to the protective order entered in the case. Wallace  
9 Decl. ¶ 1.<sup>1</sup> On July 14, 2009, Defendants lodged the Document with the Court under seal and e-  
10 filed a copy in redacted form.<sup>2</sup> *Id.* However, some designated information inadvertently was not  
11 redacted from the Document. *Id.* at ¶ 2. On July 20, Plaintiffs’ counsel brought this to  
12 Defendants’ counsel’s attention. *Id.* The Parties met and conferred on July 21 and 22. On July  
13 22, Defendants had a temporary lock placed on the document pending resolution of this motion.  
14 *Id.*

15 The information at issue consists of one parenthetical on page 18, lines 8 and 9 of the  
16 Document, two words in quotation marks on page 18, line 24, and one sentence on page 19,  
17 footnote 12. Concurrently with this motion, Defendants have e-filed a corrected version of the  
18 Document with this information redacted. Wallace Decl. ¶ 3.

19 For the foregoing reasons, the Parties respectfully request that the Court grant this motion  
20 and order the relief requested.

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25 <sup>1</sup> All references to “Wallace Decl.” are to the Declaration of Elaine Wallace in Support of  
Stipulated Administrative Motion to Remove Document from the Docket, filed herewith.

26 <sup>2</sup> Defendants also submitted a motion to file the document under seal. Dkt. Nos. 338-40.  
27 The basis for the motion is that the information sought to be sealed has been designated by  
Plaintiffs under the protective order and Plaintiffs have requested that it not be publicly filed. *Id.*  
28 On July 20, Plaintiffs submitted a declaration and proposed order in support of the proposed  
sealing. Dkt. Nos. 356-57.

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DATED: July 22, 2009

JONES DAY

By: /s/ Elaine Wallace  
Elaine Wallace

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

In accordance with General Order No. 45, Rule X, the above signatory attests that  
concurrence in the filing of this document has been obtained from the signatory below.

DATED: July 22, 2009

BINGHAM McCUTCHEN LLP

By: /s/ Zachary Alinder  
Zachary Alinder

Attorneys for Plaintiffs  
ORACLE USA, INC., ORACLE  
INTERNATIONAL CORPORATION, and,  
ORACLE EMEA LIMITED