

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

BINGHAM McCUTCHEN LLP
DONN P. PICKETT (SBN 72257)
GEOFFREY M. HOWARD (SBN 157468)
HOLLY A. HOUSE (SBN 136045)
ZACHARY J. ALINDER (SBN 209009)
BREE HANN (SBN 215695)
Three Embarcadero Center
San Francisco, CA 94111-4067
Telephone: (415) 393-2000
Facsimile: (415) 393-2286
donn.pickett@bingham.com
geoff.howard@bingham.com
holly.house@bingham.com
zachary.alinder@bingham.com
bree.hann@bingham.com

DORIAN DALEY (SBN 129049)
JENNIFER GLOSS (SBN 154227)
500 Oracle Parkway
M/S 5op7
Redwood City, CA 94070
Telephone: (650) 506-4846
Facsimile: (650) 506-7114
dorian.daley@oracle.com
jennifer.gloss@oracle.com

Attorneys for Plaintiffs
Oracle USA, Inc., Oracle International
Corporation, and Oracle EMEA Limited

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. ¶ 1.¹ On July 14, 2009, Defendants lodged the Document with the Court under seal and e-
10 filed a copy in redacted form.² *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.

21
22
23
24
25 ¹ 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 ² 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.

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

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