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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  
STIPULATED ADMINISTRATIVE  
MOTION TO REMOVE DOCUMENT  
FROM DOCKET**

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. On July 14, 2009, Defendants filed Docket No. 342, Defendants' Motion for  
6 Sanctions Pursuant to Fed. R. Civ. P. 37(c) and 16(f) (the "Document"). The Document contains  
7 information designated by Plaintiffs as Confidential or Highly Confidential - Attorneys' Eyes  
8 Only pursuant to the protective order entered in the case. Defendants therefore lodged the  
9 Document with the Court under seal and e-filed a copy in redacted form. Defendants also  
10 submitted a motion to file the document under seal. *See* Dkt. Nos. 338-40. The basis for the  
11 motion is that the information sought to be sealed has been designated by Plaintiffs under the  
12 protective order and Plaintiffs have requested that it not be publicly filed. *Id.* On July 20,  
13 Plaintiffs submitted a declaration and proposed order in support of the proposed sealing. *See* Dkt.  
14 Nos. 356-57.

15 2. Some designated information inadvertently was not redacted from the Document.  
16 Plaintiffs' counsel brought this to Defendants' counsel's attention by email on the evening of July  
17 20. The Parties met and conferred by email on July 21 and by telephone and email on July 22.  
18 On July 22, Defendants requested that the Court's ECF Help Desk place a temporary lock on the  
19 Document pending resolution of a motion to have the Document permanently removed from the  
20 docket. The ECF Help Desk promptly did so.

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

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

27 Executed this 22nd day of July, 2009 in San Francisco, California.

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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.